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BY
WM. L. McDOWELL

1754

B. S. P. C. Plantations General B. T. Vol 55. f. 161.

(Deputation from John Hammerton to John Murray Esqr. Deputation of the Office of Secretary of South Carolina, dated Febr 27. 1754

To all People whom these Presents shall come or may concern, send greeting.

Whereas His Majestie our Soveregn Lord King George the second hath been graciously pleased by his Royal Letters Patent under the Great Seal of Great Britain bearing date the eleventh day of February in the fourth year of His present Majesties Reign to constitute and appoint Edward Bertie and John Hammerton Esquires Secretary and Register of His Majesties Province of South Carolina in America for and during the natural Lives of them the said Edward Bertie and John Hammerton and the Life of the longer Liver of them with full Power to appoint a Deputy or Deputies with all Fees Perquisites, Profits and Emoluments belonging or appertaining thereto, as by the said Patent Reference being

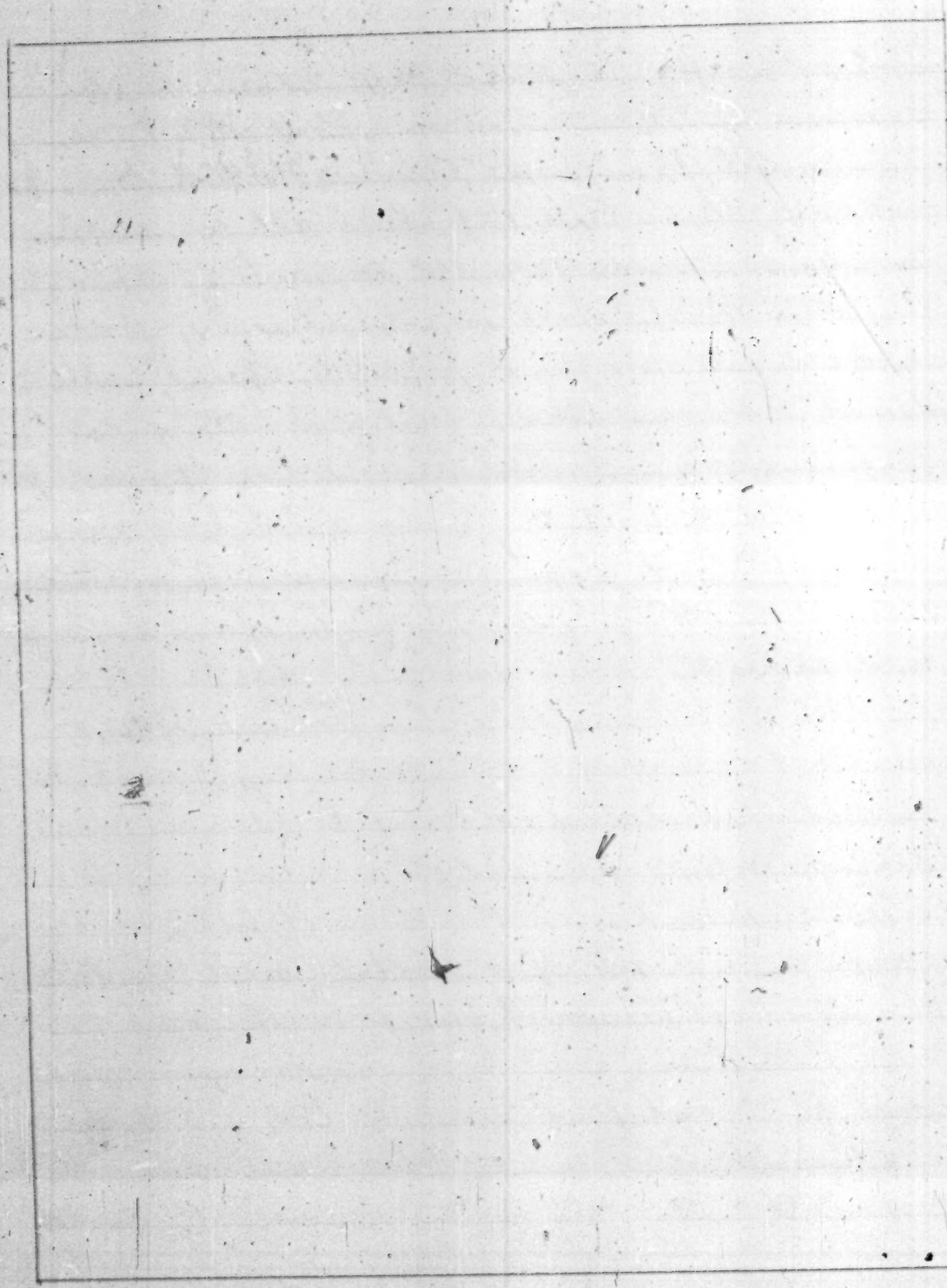
being had thereto doth or may more fully appear, And Whereas the said Edward Perlie is since dead by which the said Patent is become solely invested in the said John Hammerton, Now Know ye, that I the said John Hammerton in consideration of the Knowledge and Abilities of John Murray of the Parish of Saint Martins in the Fields in the County of Middlesex Esqr for executing the Office of Deputy Secretary of the said Province, Do by virtue of the said Letters Patent constitute and appoint the said John Murray my Deputy Secretary of the said Province of South Carolina during the joynt Lives of me the said John Hammerton and the said John Murray to act do and perform all Business Matters and things usually done and required to be done in the Secretary's Office in the said Province as by the Laws of the said Province he shall be directed, with full Power of receiving all Fees Perquisites Profits and Emoluments belonging or appertaining to the said Office of Secretary for and during the joynt Lives of me the said John Hammerton and the said John Murray as aforesaid, Provided nevertheless that the said

John

John Murray shall not commit any Male Practice, misdemeanor or neglect of Duty in the said Office. And I the said John Hammerton do by these Presents revoke all former Deputations hereunto granted or given by me to any other Person or Persons whatsoever. Given under my hand and seal this twenty seventh day of February in the Year of Our Lord one thousand seven hundred and fifty four and in the twenty seventh Year of the Reign of our Sovereign Lord George the second of Great Britain France and Ireland King Defender of the Faith and so forth.

(Signed) John Hammerton.

Sealed and delivered
(being first duly stamped)
in the presence of
(Sign'd) R. Richardson.
Isaac Francis.



B P R O South Carolina B T Vol 17 K 77

(21th March 1704)

At the Council Chamber Whitehall
the 21th of March 1734

By the Right Honourable the Lords of the
Committee of Council for Plantations Affairs

His Majesty having been pleased to refer unto this Committee a Representation made by the Lords Commissioners for Trade and Plantations dated the 1st of June last containing a State of all the Laws that have been passed in His Majestys Province of South Carolina for emitting Paper Money, from 1703 to the present time, And particularly with respect to an Act passed in the said Province on the 17th of June 1731 Entituled 'An Act for Stamping, emitting, and making Current the Sum of £210,000 in Paper Bills of Credit, and for ascertaining and preserving the future Value thereof to be let out at Interest on good Securities at Eight per Centum per Annum, and applying the said Interest to the purposes thereinafter mentioned, and for exchanging the Paper Bills of Credit in this Province, and making them less Subject to be counterfeited'_____ The Lords of the Committee this day took the same into their Consideration, and do find, that the said Lords Commissioners propose, that the

the aforementioned Act should be repealed. And that in order to prevent the passing Acts of the like kind in the said Province for the future. That the 99th Article of His Majesty's Instructions to the Governor of the said Province, relating to the passing Acts for emitting Bills of Credit, may be revoked, and that he may be instructed to use his utmost Endeavours with the Assembly to pass a Law for establishing a proper and sufficient Fund or Funds for sinking and discharging the Paper Bills of Credit now outstanding within a reasonable limited time, and that he should not for the future, upon any pretence whatsoever, give his Assent to any Law or Laws for emitting any further Sums in Paper Bills of Credit without His Majesty's especial Licence for that Purpose, nor to any Act, Order, Resolution, or Vote within that Province, whereby the time limited, or Provision made, for sinking and discharging such Publick Orders as may be at present outstanding, be protracted or postponed; but that on the contrary he do take particular Care that the same be punctually and faithfully complied with, and the Publick Orders sunk and discharged according to the Tenor of, and within the Periods limited by the respective Acts, Orders or Resolutions by which they were issued. And if

if it shall so happen, That any Part of the Publick Or-
ders so outstanding shall have been issued without due
Provisions made, or Periods fixed, for sinking and discharg-
ing them, That he do earnestly recommend to the Assem-
bly, to make Ample and immediate Provisions for that
Purpose, so that they may be sunk and discharged with-
in a reasonable time And the said Lords Commis-
sioners further Propose, That the said Governor may be
restrained from giving his Assent to any Act, Order or
Resolution, for the further Emission of such Publick Or-
ders until the Assembly shall have made due Provision
for sinking and discharging the Paper Currency now
subsisting within a reasonable limited time, and that
after such Provision shall have been made, for sinking
and discharging the Paper Currency as aforesaid, he shall
not be at Liberty to give his Assent to any Act or Acts
for issuing any greater quantity of the said Publick
Orders than may be absolutely necessary for the current
Service of the Year (except in cases of sudden and extra-
ordinary Emergencies) taking Care also, that sufficient
Provision be made in the said Act or Acts for discharging
such Publick Orders within a reasonable time, not exceeding
two Years, and that the same be not made a legal
Tender in Payment of any Private Bargains Contracts Debts

Dues

'Dues or Demands whatsoever But that he may be at
'Liberty to give his Assent to any Act or Acts for issuing
'such a quantity of the said Publick Orders as may at
'any time hereafter be necessary upon sudden and ex-
'traordinary Emergencies of Government in case of War
'or Invasion, taking care in that case also, that suf-
'ficient Provision be made for discharging the same
'within a reasonable time not exceeding five Years, and
'that they be not made a legal Tender in Payment
'of any Private Bargains, Contracts, Debts, Dues or
'Demands whatsoever'_____ And the Lords of the
Committee Aproving of what is above purposed by the
said Lords Commissioners for Trade and Plantations,
are hereby pleased to Order, That the said Lords
Commissioners do prepare a Draught of an Additional
Instruction agreable thereto, and lay the same before
this Committee

W Sharpe

Recd 30th March
Read April 3d } 1734

B P R O Ar H S Vol 17

So Carolina March 2d 1754

My Lord

I am honoured with Your Lordships letter of the 13th of August last containing His Majesty's Comanands, in such plain and possitive terms that no Governor can pretend Ignorance, or plead excuse if he does not obey them, The Subject matter is of great importance, sufficient to engage the attention of all the Colonies on the Continent, and upon both Accounts it is the duty of every Gentleman who has the honour to be entrusted with the care of any of these Colonies, to make Your Lordship acquainted with every particular step taken upon the Occasion

In the end of last February I received a letter from Mr Dinwiddie Lieutenant Governor of Virginia a copy of which I have enclosed for Your Lordships perusal, it is marked No 1 in it he informs me that he had sent a letter to the Commandant of the French Forces near the Ohio, and he encloses the answer he received, a copy of which I also send marked No 2 Mr Dinwiddie is not so kind as to communicate to me his intentions, or any Scheme for the Service of his Province, neither

does

does he invite me or any of the Neighbouring Governors to meet in order to concert any Plan of Operations for mutual assistance, and the Common Weal of all the Colonies, but in the end of his Letter he says he expects by the return of the Express my friendly advice, however as I was Sensible that the assistance of the Provinces might also be necessary, I sent his Letter to the Assembly with a Message marked N° 3 representing to them the necessity of such a general Plan, for mutual assistance, and desiring that they would enable me to carry the same into execution in Conjunction with the other Governors, this produced a Conference with the Council and thereupon both Houses unanimously agreed to the Report marked N° 4 I also send Your Lordship the Copies of two Letters that I sent to Governor Dinwiddie they are marked 5 and 6. but I must beg leave to observe to Your Lordship that all my proceedings are founded upon Mr. Dinwiddies information, tho I must acknowledge that I have not the same views of things that he seems to have.

I have likewise been honoured with a Second Letter from Your Lordship, with His Majesty's Orders for sending one of our Independent Companies

to

to Virginia, these Companies have done duty by Detachments for some Years, and are spread over the face of a widely extended Country, some being at the Southern extremity of Georgia, some at Fort Prince George, a Fort that I lately built in the Cherokee Nation above three hundred miles from hence, & other Parties in Garrison in other distant Forts, so that it was impossible to send one entire Company but I have sent a number of Officers and men equal to one Company, and I can say with the strictest regard to truth, that the King has not a finer Independent Company in any part of his Dominions, I received them about a month before I received Your Lordships Letter, and I never saw any Troops exceed them, either in performing the Manual Exercise, the Evolutions, or the Firings, they receive regularly both His Majesty's pay and the additional allowance of Two pence Sterling p Diem from this Province, by which means they are plentifully supplyed with wholesome Provisions they are well Cloathed, and that they might be compleatly Armed I gave the Arms that belonged to one of our former Independant Companies, which had been left in our Armoury ever since it was reduced, their own Arms by Sixteen years constant Service

in

in America not being to be trusted to upon such an occasion, and as the Jamaica Snow Man of War was just ready to proceed to the Bahama Islands, Captain Legge who Commands His Majestys Ship upon this Station has very readily at the desire of the Governor and Council ordered the Captain to carry them to Virginia, where they will probably arrive about the 8th of April this will save them a fatiguing March of Five hundred miles, and Your Lordship may be assured that two or three such Companies would be of more Service than a new raised Regiment, I hereuith send the Copy of a General Return and Report of the three Independent Companys that I have transmitted to the Secretary at War to be laid before His Majesty, I also send the Copy of a Letter written by me lately to the President of the Council of North Carolina as it has a near connection with Indian Affairs No 7

I have the honour to be with the
greatest respect
My Lord
Your Lordship's
Most Obedient and most
humble Servant
James Glen His

This Letter is not sent off till the 30th of April and no other accounts from Virginia then

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(Inclosures)

N° 1.___ Copy of a Letter from Lt Govr Dinwiddie to Govr Glen dated Janry 29th 1754

N° 2___ Copy of the French Commandants Answer to Lt Govr Dinwiddie

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N° 3___ Govr Glen's Message to the Assembly March 5th 1754.

N° 4___ Report from the Council & Assembly

N° 5___ Copy of a Letter from Govr Glen to Lt Govr Dinwiddie March 11th 1754.

N° 6___ Copy of a Letter from Govr Glen to Lt Govr Dinwiddie March 11th 1754

N° 7___ Copy of a Letter from Govr Glen to the Presidt of the Council in N° Carolina March 13 1754

Mate

State of the Independt Companies in South Carolina

B P R O Journals B T Vol 62

Whitehall 3d April 1754

At a Meeting of His Majesty's Commissioners for Trade & Plantations

Present

Earl of Halifax

Mr Grenville, Mr Oswald

. . . . . .

Read an Order of the Lords of the Committee of Council, dated the 26 March 1754, approving a Representation of this Board proposing the Repeal of An Act pass'd in 1746, for emitting £210,000 in Bills of Credit, and directing the Draught of an Instruction to be prepared for Mr Glen conformable to said Representation.

. . . . . .

5th April 1754

Read a Memorial of John Hammerton Esq Secretary and Register of South Carolina to the Board of Trade, complaining of the ill Usage he had received from James Glen Esq Governor of South Carolina

. . . . . .

Read the following Reports received from Mr Lamb by

. . . . . .

His Report upon four Acts pass'd at South Carolina

in

in June 1749

His Report upon Nine Acts and two Ordinances passed at South Carolina in May 1752.

His Report upon seven Acts passed at South Carolina in April 1753.

. . . . . .

Read the following Letters & Papers from Mr Glen Governor of South Carolina viz.t

Letter from Mr Glen to the Board dated in March 1753 containing his Observations on His Majesty's Instructions to him relating to the Acts of Trade and Navigation in pursuance of the Boards Letter of the 3d June 1752

Letter from Mr Glen to the Board dated the 25th of June 1753 relating to Indian Affairs & inclosing

Printed Proclamation against the Northern Indians dated the 7th April 1753, with the Resolution of the Assembly of South Carolina upon that Subject.

A Treaty between the Governmt of South Carolina & the Creek Nation 1753

Letter from Mr Glen to the Board dated July 30th 1753 relating to Indian Affairs, and inclosing

Journal of the Council from the 4th Febry 1752 to the 15th Febry 1753

Journal of the Upper House of Assembly from the

the 7th of March to the 11 of December 1752.

Journal of the Assembly from the 14th of Novr 1751 to the 21st April 1753.

Seven Acts passed in South Carolina the 21st April 1753.

An Account of the Presents granted by His most Gracious Majesty for the use of the Indians in Alliance with the Province of South Carolina and Georgia.

Letter from Mr Glen to the Board dated the 26th of October 1753, written when he was in the Woods above 200 Miles from Charles Town on his way to the Cherokee Nation, where he proposes to build a small Fort, and inclosing Copy of a Letter he has writ upon this Subject to one of the Gentlemen of the Council of that Province.

Ordered that the abovementioned Acts be sent to Mr Lamb for his Opinion thereupon in point of Law.

Read a Letter from Mr Pinckney one of the Council of South Carolina to Mr Pownall, dated Sept 11 1753 relating to the necessity of building a Fort among the Cherokee Indians.

22nd May 1754

Read the following Copies of Orders of Council received from the Clerk of His Majestys Council viz.t

. . . . . .

Copy of an Order in Council dated 8.th April 1754 approving a Representation of this Board proposing the Repeal of an Act passed in South Carolina in June 1746 for stamping & emitting the Sum of £210,000 in Bills of Credit &c.a and to let out the same at 8 p Cent per Annum &c.a

. . . . . .

24th May 1754

It appearing to their Lordships that there were five of the Members of His Majestys Council for the Province of South Carolina resident in England, their Lordships ordered the Secretary to write to the said absent Councillors, desiring to be informed whether they have any Intention of returning to the said Province, and how soon.

. . . . . .

28th May 1754

Their Lordships took into Consideration the following Acts passed in South Carolina in 1730, 1731 & 1752 viz.t

An

An Act for the erecting and supporting of a Beacon near the Bar and Harbour of Charles Town and for placing Buoys on or near the said Bar for the use of Ships and other Vessels coming to the Port of Charles Town.

An Act to appoint and establish new Lists of Jury Men to be drawn by Ballott in this Province and to impower the Courts of Law to draw Jurors in cases therein mentioned.

An Act granting to His Majesty the Sum of Twenty Thousand Pounds for the building a State House in Charles Town for the Service of this Government &c.

An Act for dividing the Parish of St. Philip Charles Town and for establishing another Parish in the said Town by the Name of the Parish of St. Michael and for appointing Commissrs for the building of a Church and a Parsonage House in the said Parish &c. &c.

An Act for laying Buoys and erecting and supporting Beacons or Land Marks near the Bar of the Harbour of George Town Winyaw and for building and repairing one or more Pilot Boat or Boats to attend the Bar of the said Harbour &c. &c.

An Act for appropriating the Duties imposed by Law on Goods Wares & Merchandizes imported into

and

and exported out of the Port of Beaufort Port Royal for the Term therein mentioned towards building and keeping in repair a Pilot Boat or Boats to attend the Bar of the Harbour of the said Port Vca Vca

Ordered That the Draught of a Representation to His Majesty be prepared proposing the Repeal of the said Acts.

. . . . . .

13th June 1754

Read a Memorial of Charles Pinckney Esqr one of his Majesty's Council in the Province of South Carolina Dated the 1st instt relating to the designs of the French to build a Fort in the Upper Cherokee Nation of Indians

. . . . . .

Read the following Letters from several of His Majestys Councillors in the Plantations residing here viz.t

Letter from Charles Pinckney Esqr dated the 29th of May 1754 in answer to one from Mr Pownall relating to his return to that Province.

Letter from Edmd Atkin Esqr dated 8th June 1754 in answer to one from Mr Pownall relating to his Return to that Province.

Letter from Wm Middleton Esqr dated the 1st June 1754, in answer to one from Mr Pownall relating to his

his Return to that Province.

Letter from Edwd Tenwiche Esqr dated the 3d June 1754, in answer to one from Mr Pownall relating to his Return to that Province

Letter from Colo vanderdussen dated the 3d of June 1754, in answer to one from Mr Pownall relating to his Return to that Province.

. . . . . .

Their Lordships took into Consideration the Draught of a Representation upon Nine Acts passed in South Carolina prepared pursuant to the Minutes of the 28th of May last and ordered the Secretary to write to the Agent to desire his Attendance at the Board to morrow Morning.

. . . . . .

14th June 1754

Their Lordships took into Consideration Mr Pinckney's Memorial relative to the Necessity of building a Fort in the Cherokee Country mentioned in Yesterday's Minutes and Mr Pinckney attending as desired was called in, and their Lordships having heard what he had to offer upon it, he withdrew and the Draught of a Letter to Sir Thomas Robinson thereupon was ordered to be prepared.

The

The Secretary having acquainted the Board that Mr Crokatt Agent for South Carolina had desired him to move their Lordships that the Consideration of the Acts passed in that Province upon which he was desired to attend this Day might be postponed to some other Day, their Lordships appointed Wednesday the 21th instant for that purpose, and the Secretary was directed to desire Mr Crokatts Attendance on that Day.

. . . . . .

18th June 1734

Ordered that the Draught of a Letter to Sir Thomas Robinson be prepared proposing Mr Dougal Campbell may be appointed Clerk of the Crown & of the Common Pleas in South Carolina in the room of James Wedderburn deceased.

. . . . . .

19th June 1734

The Draught of a Letter to Sir Thomas Robinson proposing that Mr Dougal Campbell be appointed Clerk of the Crown & Common Pleas in South Carolina having been prepared, pursuant to the preceding Minutes, was agreed to, transcribed and signed.

The Draught of a Letter to Sir Thomas Robinson upon

upon the Memorial of Mr Pinckney relative to the building a Fort in the Cherokee Country, having been prepared, pursuant to the Minutes of Friday last, was agreed to and ordered to be transcribed.

. . . . . .

20th June 1754

The Draught of a Letter to Sir Thomas Robinson upon Mr Pinckney's Memorial relative to the Necessity of building a Fort in the Cherokee Country having been transcribed pursuant to the Minutes of the 19th instant was signed.

. . . . . .

25th June 1754

Read a Letter from Sir Thomas Robinson to the Board, date the 24th inst signifying His Majestys Approbation of Dougal Campbell Esq to be Clerk of the Crown & Common Pleas in South Carolina in the room of George Wedderburn deceased.

The Draught of a Warrant having been accordingly prepared was agreed to and a Letter to Sir Thomas Robinson inclosing the same was signed.

. . . . . .

26th June 1754

Their Lordships took into Consideration the Draught of

of a Representation to His Majesty upon Nine Acts passed in South Carolina in the Years 1738, 1740, 1744, 1750, 1751 & 1752, prepared pursuant to the Minutes of the 28th of May, and Mr Crokatt Agent for the Province attending was called in and their Lordships after hearing what he had to offer upon the said Acts agreed that the Act for laying Buoys and erecting Beacons &c near the Bar of the Harbour of George Town Winyaw &c should lye by for further consideration, and the Draught of a Representation upon the other eight Acts was ordered to be transcribed

. . . . . .

27th June 1754

Their Lordships being informed that Mr Pinckney one of the Council of South Carolina attended without, he was call'd in, & presented to the Board the following Paper which was read viz.t

A further Representation of Mr Pinckney relating to the Designs of the French to build a Fort on the Upper Cherokee Nation of Indians

Mr Pinckney being withdrawn their Lordships agreed to take the said Representation into Consideration the first Opportunity.

. . . . . .

29th

29th October 1754

Read a Letter from Mr Glen Governor of South Carolina to the Board dated 21st Augt 1754 giving an Account of his Journey to the Cherokee Country, to build a Fort of his Proceedings and of the flourishing State of the Province, and inclosing,

Copy of the Address of the Inhabitants of Saxagotha Township to Governor Glen.

Governor Glen's Speech to the Assembly of South Carolina on the 11 of January 1753 with their Address in Answer

Addresses of the Council and Assembly of South Carolina in answer to his Speech of the 8th May 1754.

. . . . . .

19th November 1754

Read a Letter from Mr Hardinge Secretary to the Lords of the Treasury dated the 14th Novr 1754 referring to the Consideration of this Board the following Papers Vizt

Memorial of Abraham Bosomworth praying paymt of £309 12 1 for Sundrys supplied to the Creek Indians, and also £372 8 2 for Moneys disbursed by him, the Payment of which Sums was recommended

recommended by the Duke of Bedford to the Governor Council & Assembly of South Carolina.

A State of the Case of Abraham Bosomworth.

Colonel Heron's Certificate that Mr Bosomworth was employed by him to go as Agent to the Creek Indians

Ordered that the Secretary do write to Mr Hardinge to desire he would acquaint the Lords Commissrs of His Majesty's Treasury, that their Lordships apprehend they cannot take Mr Bosomworth's Case into Consideration or give any Opinion upon it, it appearing to be a Transaction of which their Lordships have never had any knowledge, and having been already under the Consideration of His Majesty's Secretary of State who appears to have given Directions upon it.

. . . . . .

10th December 1754

The Secretary laid before the Board an Act passed in South Carolina in May 1754 entituled

An Act for incorporating the Charles Town Library Society.

Ordered that it be sent to Mr Lamb for his Opinion thereon in point of Law.

. . . . . .

B.S.P.C. Plantations General B.T. Vol. 55. f. 163.

Deputation from John Hammerton to William Simpson deputation of the Office of Secretary of South Carolina, dated the 16th of April 1754.

To all to whom These Presents shall come or concern I. John Hammerton of the Parish of St. Martins in the Fields in the liberty of Westminster and County of Middlesex Esqr send Greeting

Whereas His present Majesty our Sovereign Lord King George the second by His Royal Letters patent under the great Seal of great Britain bearing date the eleventh Day of February in the fourth year of his said Majestys Reign which was in the year of Our Lord one thousand seven hundred and Thirty did for himself His Heirs and successors give and grant unto Edward Bertie Esqr and unto me the said John Hammerton party to these presents the Offices of Secretary and Register of His Majestys Province of South Carolina in America and the said Edward Bertie and me John Hammerton secretary and register of the said Province of South Carolina did thereby make ordain and constitute To have

have: Hold, execute and enjoy the same by the said Edward Bertie and me the said John Hammerton or either of Us or by Our sufficient Deputy or Deputys for and during the lives of the said Edward Bertie and me the said John Hammerton and the life of the longer liver of Us with all Rights Privileges, Profits, perquisites and advantages to the said offices belonging and appertaining And His said majesty did thereby for Himself His Heirs and successors grant unto the said Edward Bertie and me the said John Hammerton full power authority by ourselves or either of Us or by our sufficient Deputy or Deputys by Us to be appointed by writing or writings under Our Hands and Seals to be present at all meetings of the Governor Council and of the Assembly and to keep an Exact Register of all their proceedings Acts and orders as by the said Letters Patent relation being thereunto had may more at large appear. And Whereas the said Edward Bertie is since dead whereby the said letters patent became solely vested in me the said John Hammerton Wherefore Know ye that I the said

said John Hammerton by Vertue of the said Letters patent do by these presents as fully as I can make and constitute William Simpson late of London but now of South Carolina aforesaid Gentleman my lawfull Deputy to hold execute and exercise the Office of Deputy Clerk of His Majestys Honourable Council in the said Province of South Carolina and in my place and stead to be present at all meetings of the Governor and Council of the said Province when met in Council and of the said Council when met in the upper House of Assembly and to keep an exact Register or Journal of all their Proceedings Acts and orders respectively and to do and execute or cause to be done and executed all other Acts and things whatsoever belonging to the said Office Hereby giving and granting unto the said William Simpson all and every the Rights, Privileges, Fees, profits and perquisites, rewards, advantages and emoluments whatsoever to the said Office of Clerk of the Council belonging or in any wise appertaining And I the said John Hammerton do hereby disannul and revoke all former Deputations

or

or Instrumentś of whatsoever kind granted or said tō be granted by me particularly a Deputation granted by me tō Alexander Gordon dated at London the eighteenth day of June in the year of Our Lord one Thousand seven hundred and forty.

Given under my hand and seal at London this tenth day of April in the year of Our Lord one Thousand seven hundred and fifty four and in the twenty seventh Year of His Majestyś Reign

(Signed)

John Hammerton.

Sealed and delivered being first duly stampt in the presence of

W. Watton, 230 Street, Covent Garden Reg.

W. Batterson, in James Street Covent Garden.

B P R O South Carolina B T Vol 7 Fol 90

(8th April 1720)

At the Court at St Jamess
the 8th day of April 1720
Present

The Kings most Excellency Majesty in Council

Whereas by Commission under the Great Seal of Great Britain the Governor Council and Assembly of His Majestys Province of South Carolina are authorized and empowered to make Constitute and Ordain Laws Statutes and Ordinances for the Publick Peace Welfare and good Government of the said Province Which Laws Statutes and Ordinances are to be as near as conveniently may be agreable to the Laws and Statutes of this Kingdom and to be transmitted for His Majestys Royal Approbation or Disallowance In Pursuance of which Powers An Act was passed in the said Province on the 9th of June 1716 and transmitted entituled as follows viz.

An Act for stamping emitting and making current the Sum of Two hundred and Ten Thousand Pounds in Paper Bills of Credit and for ascertaining and preserving the future Value thereof to be let out at Interest on good Securities at Eight per Cent. sum per annum, and applying the said Interest

to

to the purposes thereinaftermentioned and for exchanging the Paper Bills of Credit in this Province and making them less Subject to be counterfeited

Which Act together with a Representation from the Lords Commissioners for Trade and Plantations Proposing the Repeal thereof having been referred to the Consideration of a Committee of the Lords of His Majesty's most Honourable Privy Council for Plantation Affairs, the said Lords of the Committee did this day Report to His Majesty as their opinion that the said Act ought to be repealed. His Majesty taking the same into Consideration was Pleased with the advice of His Privy Council to declare His Disallowance of the said Act And Pursuant to His Majesty's Royal Pleasure thereupon expressed, the said Act is hereby Repealed declared void and of none Effect. Whereof the Governor or Commander in Chief of His Majesty's Province of South Carolina for the time being and all others whom it may concern are to take Notice and Govern themselves accordingly

A true Copy
H Sharpe

Recd 27 April
Read May 22
} 1754.

B P R O South Carolina B T Vol 27 p 231

(29th May 1704)

To Edward Atkins Esq^r

Sir

The Lords Commissioners for Trade and Plantations being informed, that there are now five of His Majesty's Council for the Province of South Carolina resident here in England, and being apprehensive that great Inconveniencies may arise to His Majesty's Service from so large a Number being absent at one and the same time, I am directed by their Lordships to desire you will inform me as soon as possible, whether you have any Intention of returning to the said Province, and how soon, to the end that their Lordships may take the proper Measures to prevent the Inconvenience that may arise from the want of a sufficient Number of the Council to carry on Business

I am

Sir

Your most obedient

humble Servant

John Pownall

Secry

Whitehall

May 29. 1704

The

The like Letter was sent to

Alexander Vanderdussen
Charles Pinckney
Edward Fenwick
William Middleton
} Esqrs

Members of the Council of South Carolina

B P R O South Carolina B T Vol 27 p 434

(25th May 1764)

To the Kings most Excellent Majesty

May it please Your Majesty

We have had under Our Consideration a Memorial presented to us by Mr Henry Mc Culloh, who under Grants from Your Majesty is possessed of many large Tracts of Land within the Province of North Carolina, setting forth that, by virtue of Your Majesty's Warrant on the Receiver of Your Quit Rents in the Province of South Carolina, the Sum of Six thousand two hundred pounds are due to the Memonalist and his Assigns on Account of his Salary as late Comptroller of Your Majestys Quit Rents in the said Provinces: that the Sum of One thousand thirty five pounds Sterling, part of the said six thousand two hundred, remains unassigned, and at the disposal of the Memonalist, and therefore praying, that he may have Your Majestys Permission to set off the Sum of One thousand Thirty five Pounds, in discharge of such Quit Rents as may hereafter arise, and become payable by him in North Carolina; & that when his Tenants or such as have Meone Conveyances under him have attorned to Your Majesty for the payment of their respective

respective Quitrents he may be thereafter exempted from the payment of such part or proportion of them.

As this request appears to Us to be reasonable, and such an Indulgence from Your Majesty may enable the Petitioner to comply with the Terms of his Grants, & to cultivate his Lands, We humbly beg leave to lay before Your Majesty the annexed Copy of the said Memorial, & to submit it to Your Majesty to give such Directions upon it, as to Your Majesty shall seem most proper

Which is most humbly submitted

Dunk Halifax
J. Grenville
T. Pelham
R. Edgcumbe

Whitehall
May 25th 1754

B P R O North Carolina B T Vol 12. C 33

To the Rt Honble the Lords Commissrs for Trade & Plantations

The humble Memorial of H. Mc Culloh

Sheweth

That as Your Lordships have now under consideration, the State of the Grants in which Your Memorialist is concerned in North Carolina; he most humbly prays Leave to submit it to Your Lordships whether it doth not in all Respects appear reasonable & equitable & also for the Service of the Crown, to set off part of the £1200 due to Yr Memorialist by Warrant from the Crown in So Carolina, in discharge of the Quit Rents of Yr Memorialists Lands, which will hereafter become due to the Crown in N. Carolina, & also that in order to keep up the Record as st Colony such Persons as purchase Lands from him, shall be at Liberty to attorn to the Crown for the payment of their respective Quit Rents, in which case Your Memorialist is to be exempted from any further Demand in respect to the Same.

Your Memorialist hath nothing more at heart than if possible to prevent all manner of Disputes in relation to his st Settlement.

And

And therefore most humbly prays Yr Lordships to take the premises into Consideration & as Yr Memorialist hath £1035 Sterling being the last paymt of His Majesties sd Warrant unapplied that your Lordships will be pleased to recommend it to His Majesty to Grant him the Liberty to set off sd Summ of £1035 Sterl. to the paymt of such Quit Rents as may hereafter arise & become payable by him in No Carolina & that when his Tenants or such as have Mesne Conveyances under him have attorned to the Crown for the Paymt of their respective Quit Rents he shall be thereafter exempted from the Paymt of such part or proportion thereof

And Your Memt as in Duty bound
Shall ever pray &c
Henry Mc Culloh

Read May 15
Read May 22 } 1754

B P R O. South Carolina B T Vol 17 K 92.

Craven Street May 29th 1730

Sir

I am to acknowledge the receipt of your favour just come to hand by which you acquaint me that you are directed by my Lords Comrs for Trade and Plantations to desire that I will inform you as soon as possible whether I have any intention of returning to So Carolina & how soon, to the end that their Lordships may take the proper measures to prevent the inconveniencies which may arise to His Majestys Service from the want of a suffecient number of the Council of Carolina to carry on business there. In answer to which I beg leave to acquaint you, that having spent the last six and twenty years of my life in Carolina, and the greatest part of that time in various employments in his Majestys Service my health thereby became greatly impaird, insomuch that it was necessary for me to change the climate and come home to England to Re Establish it, and as I had the honour of Serving His Majesty as Chief Justice of the Province at the time of my leaving Carolina I obtained his Excellency the Govrs permission for being absent from the Province, and as I have been

barely

And therefore most humbly prays Yr Lordships to take the premises into Consideration & as Yr Memorialist hath £1035 Sterling being the last paymt of His Majesties sd Warrant unapplied that your Lordships will be pleased to recommend it to His Majesty to Grant him the Liberty to set off sd Summ of £1035 Sterl. to the paymt of such Quit Rents as may hereafter arise & become payable by him in No Carolina & that when his Tenants or such as have Mesne Conveyances under him have attorned to the Crown for the Paymt of their respective Quit Rents he shall be thereafter exempted from the Paymt of such part or proportion thereof

And Your Memt as in Duty bound
Shall ever pray &c
Henry Mc Culloh

Read May 15
Read May 21 } 1754

B P R O South Carolina B T Vol 17 N 92

Craven Street May 29th 1738

Sir

I am to acknowledge the receipt of your favour just come to hand by which you acquaint me that you are directed by my Lords Comrs for Trade and Plantations to desire that I will inform you as soon as possible whether I have any intention of returning to So Carolina & how soon, to the end that their Lordships may take the proper measures to prevent the inconveniencies which may arise to His Majestys Service from the want of a sufficient number of the Council of Carolina to carry on business there. In answer to which I beg leave to acquaint you, that having spent the last six and twenty years of my life in Carolina, and the greatest part of that time in various employments in his Majestys Service my health thereby became greatly impaird, insomuch that it was necessary for me to change the climate and come home to England to Re Establish it, and as I had the honour of Serving His Majesty as Chief Justice of the Province at the time of my leaving Carolina I obtained his Excellency the Govrs permission for being absent from the Province, and as I have been

barely

barely a year in England and my health not yet recover-
ed, much less established, I humbly presume to hope
for their Lordships indulging my Stay a year or two
longer, or untill my Health is confirmed But if His
Majestys Service should require my sooner returning to
Carolina I shall cheerfully submit to their Lordships
directions, or give them such reasons for my not doing
so, as I hope will be Satisfactory to their Lordships

I am Sir

your most Obedient Humble Servt
Cs Pinckney

S. Carolina
John Pownall Esq.
Recd June 9 } 1754
Read — 13 }

B P R O South Carolina B T Vol 17 K 91

(1st June 1734)

To the Right Honourable the Lords Comissioners
for Trade and Plantations

The Humble Representation of Charles Pinckney of So Carolina Esqr

May it please Your Lordships.

The Govr of His Majestys Province of So Carolina having, by letter to me wrote by the Advice of the Council, desired that I would, during my Stay in England, Attend upon your Lordships upon any matters that might concern that Province, humbly hoping your Lordpps would be pleased to consider me as a person Authorized by the Govr and Council of the Province as by a Copy of His Excellencys letter herewith presented to your Lordpps appears, And I very lately having received a letter from Carolina dated the 9th of April last which I conceived to contain matters of great importance to His Majestys interest there, did take the liberty to lay before Your Lordpps a paragraph thereof, relating to the designs of the French to build a Fort in the upper Cherokee nation, which if not timely prevented will prove of the most fatal consequences to the peace and safty of that and the neighbouring Provinces, with a view

that

that Your Lordspo would be pleased to take the same into Your Serious consideration, that such Steps may be taken therein, and such orders given thereupon as the exigence and importance of the case requires.

Your Lordspo are well appriseed of the French designs in general and of their present Attempts to fix and Establish themselves within His Majestys territories on the Back of the British Colonies in North America, and of what fatal consequence it must prove to the British Interest as well in Europe as America Should they be Suffered to carry those designs into Execution; with a view to prevent or obviate which I humbly presume it was that an additional Instruccon was sent from His Majesty some years ago to the Govr of Carolina directing him to Enquire & point out a proper place or places for erecting a Fort or Forts in the Cherokees, and to send home to His Majesty's Ministers an Estimate of the Expence and charge of Erecting the same, which no doubt would be one of the most effectual methods of frustrating the french designs on that part of His Majestys dominions.

The present Attempt of the French in the Cherokees is a very great and prudent step in them towards accomplishing their Scheme, as South Carolina has

has the least strength to oppose them therein, Our whole number on the Muster Rolls (which contain all the Male white Inhabitants from the Age of 16, to 60 Years) not exceeding according to the best of my remembrance five thousand Effective men and those Scattered over a wide Extended Country of some hundred miles in length and bredth

The French we are informed in Carolina claim all the Lands lying on the Waters of the Ohio now Several of the Rivers which run in the Cherokee Country, and water many of their cor Hills Towns take their rise, according to our best informations not more than 330 Miles from Charles Town, and Empty themselves into the Ohio, which brings their Claims very near to our Settlements, and which shews Your Lordpps how necessary it is by building good Forts in the upper and Middle Cherokees to fix and Secure the British Rights and Set some bounds to the unreasonable and general Claims of the French. And allso Your Lordpps may be assured that the People of So Carolina will cheerfully exert themselves, and do all that can be expected from the most dutifull and Loyal Subjects, that is in their power to prevent the french designs from taking place, yet to do this effectually

ually by building and garisoning the proper Forts, will amount to such an Expence as I am afraid they cannot bear any additional Tax to the Taxes they yearly raise and pay for the support of his Majesty's Government, and which Comunibus Annis has amounted to about £50,000, their money for several years past; And therefore I most humbly hope Your Lordships will be pleased to take this matter into Consideration that such measures may be pursued therein to prevent the many Evils that must necessarily follow from the French possessing themselves of the Cherokee Countrys, as to your Lordships in your great Wisdom shall seem meet.

Chs Pinckney

June 1st 1754

(Inclosure)

South Carolina July 28th 1753

Sir

The Governour and Council readily embraced the offer you were pleased to make of your Services in whatever might concern the Interest and Welfare of this Province during your residence in Engld and the Council desired me to return you thanks for

your

your obliging offer. We shall rely on your known Zeal and great experience, as well as upon your capacity and integrity. We therefore intreat your attendance at the board of Trade either with or without Mr Crokatt as you judge it most for the Service of the Province And We doubt not but their Lordships will favourably admit of and receive any applications that may be made by you on the part of this Province, and will consider you as a person Authorized by the Governour and Council to act for them in the support of any application that may be now depending or may hereafter be made by this Province to His Majesty during your Stay in England, or upon any other account which may any ways concern this Province.

I am with truth Sir

Your most humble Servant

James Glen

Directed (Copy)

To Charles Pinckney Esq[r]

(Inclosure)

Paragraph of a Letter from Mr Wm Pinckney (ap[d])
the Indian Com[y] of South Carolina dated 9th Oct[r]
1734.

'His

"This day an express arrived from the upper Cherokees, giving an Account that the french have sent in three of their Indians to make peace, after which the french intend to be there to build a Fort Old Hoff their head man would give no answer to it till he heard from this govern^t and it seems if we do not build one there the french will as they have encouragem^ts from some of the disaffected Cherokees"

M^r Pinckney in Craven Street

Rec^d June y^e 1
Read — 13 } 1734

B P R O South Carolina B T Vol 17 R 93

(8th June 1734)

Sir

In Compliance with your Letter, signifying the Desire of the Right Honble the Lords Commissioners for Trade and Plantations to be informed whether I have any Intention of returning to the Province of South Carolina, & how soon; I beg that you will be pleased to acquaint their Lordships that the ill State of Health I was in for a good while after my Arrival in England, & some particular Affairs since have detained me here much longer than my Inclination, the most of my time hath been Spent with a View to Publick Service. But that it is my Intention to leave England in October.

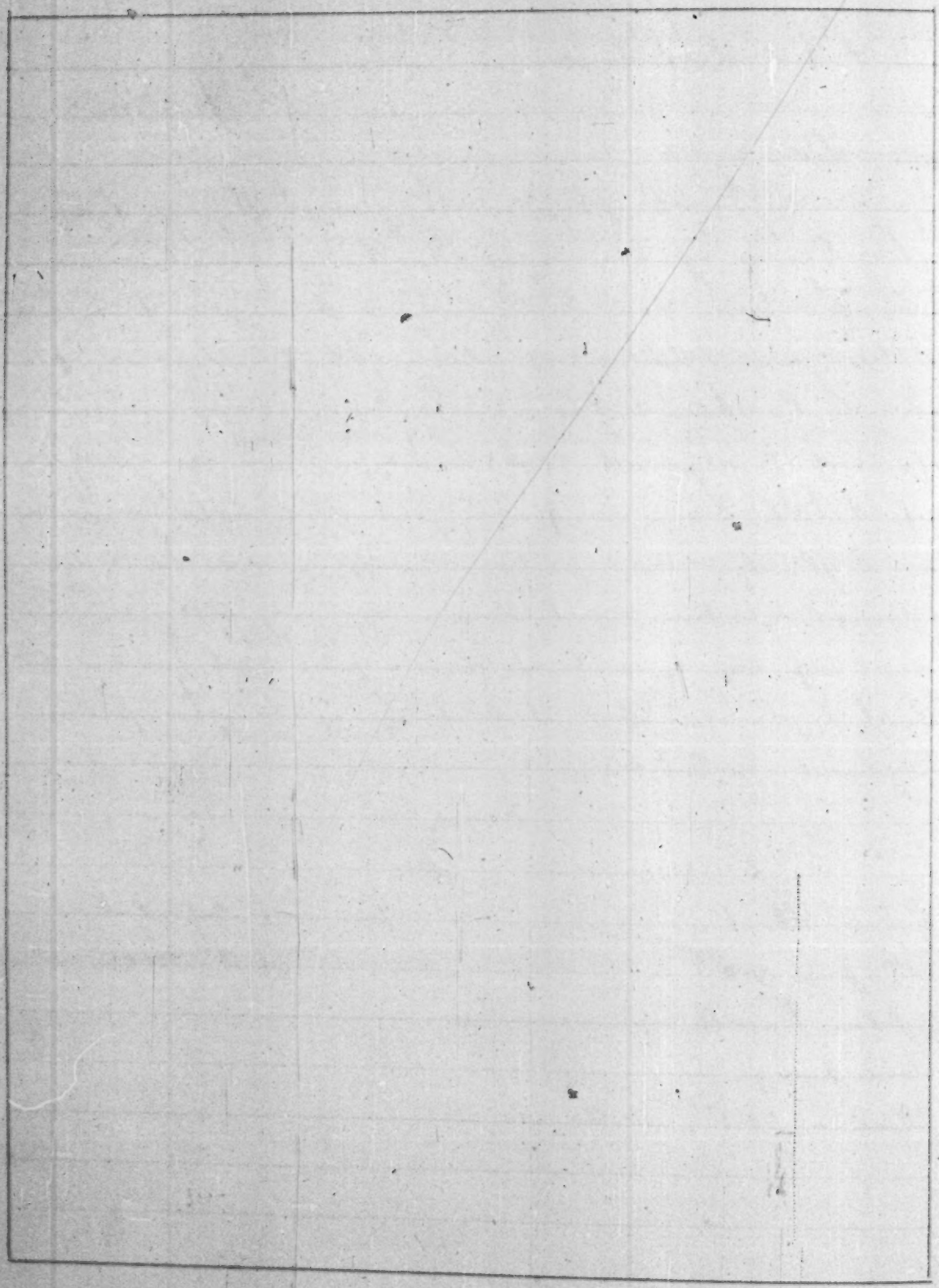
I am

Sir

Your most Obedient Servt

Edmd Atkin

Craven Street
8th June 1734
John Pownall Esqr
Recd June 9e } 1734
Read — 13 }



B P R O South Carolina B T Vol 17 Rqst

(1st June 1754)

Sir

In Obedience to their Lordships commands I have the honour to acquaint you, that I arrived in England abrut three weeks ago. My Intentions are to try twelve or eighteen Months, If I have not my Health, or find the Climate too cold for me in that time, I shall return again to Carolina And will hope for their Lordships indulgence for that term

I am

Sir

Yours Most Obedt

& Hble Servant

William Middleton

1st June 1754

John Pownall Esq

S. Carolina

Recd June 7th } 1754

Read — 13 }

B P R O South Carolina B T Vol 17 Kqs

3d June 1734

Sir

I have recd your favour in which you Say their Lordships for Trade and Plantations are informed there are now five of his Majesty's Council for the Province of South Carolina resident here in England, that great Inconveniince may Arise to his Majesty's said Province by so many being absent at the same Time, and as you are directed by their Lordships to desire I would inform you if its my Intention to return to Carolina & how soon, I therefore take this Opertunity to let you know my private Affairs have called me over here (where I am but just arrived) and I purpose as Soon as they are Compleated to return to Carolina wch will be about this Time Twelve month, from which I hope no Inconvenience will arise & beg their Lordships indulgence

I am

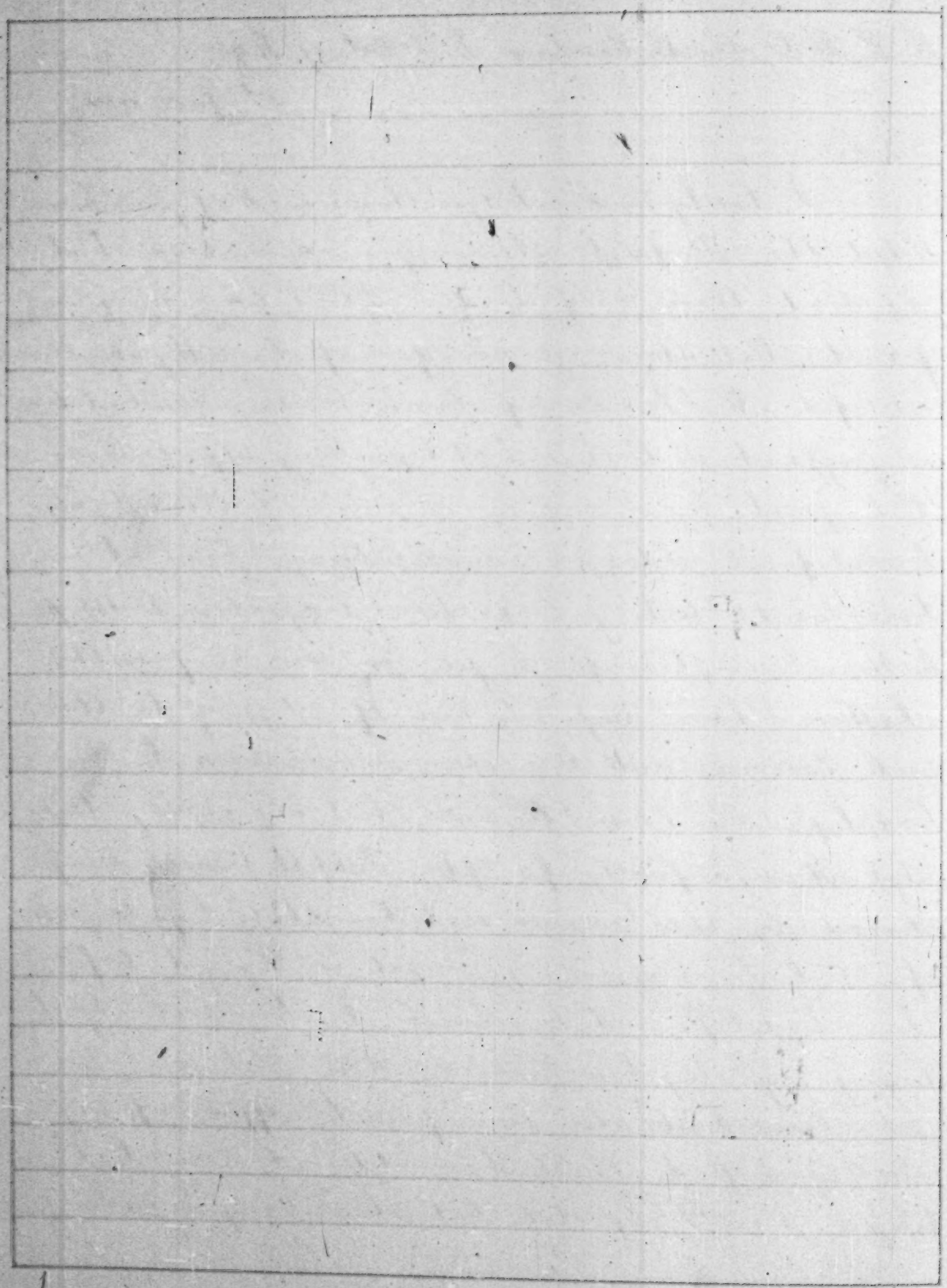
Sir

Your very Hble Servt

Ed: Tenwicke

John Pownall Esq

Recd June 7th
Read 13 } 1734



B P R O South Carolina B T Vol 17 F 96

(3rd June 1720)

Sir

I hereby acknowledge the receipt of your Favour dated the 29th past, wherein you acquaint me that the Lords Comissrs of Trade & Plantations being informd that there are now five of His Majestys Council for the Province of South Carolina resident here in England, and their Lordships being apprehensive that great Inconveniencies may arise to His Majestys Service from so large a number being absent at one Time, and that you are directed by their Lordships to desire me to inform you as soon as possible whether I have any Intention of returning to the said Province, and how soon; In Obedience to their Lordships directions, I Answer, that my coming to England was partly for the Publick Service, being charg'd by the Governor and Council to lay the State of that Province, on my arrival in England, before their Lordships, and to Assist the Provincial Agent during my stay here.

I had also some privale Affairs of my own to Sollicit, which have detained some what longer than I expected, but those being now soon

to

to be finished, I intend to Embark this fall.

I am

Sir

June 3d 1764
S. Carolina.
John Townall Esq.

Your most obedient
humble Servant
Alex Vander Dussen

Recd June 9th 1764
Read — 10 1764

B P R O A & W I Vol 630

Whitehall June 19th 1754

Sir,

George Wedderburn Esquire, Clerk of the Crown and Common Pleas in His Majesty's Province of South Carolina being deceased, and Mr Dougal Campbell being represented to us as a Person well qualified for the said Offices, We desire you will be pleased to move His Majesty that he may be appointed Clerk of the Crown and Common Pleas in the said Province in the room of the said George Wedderburn deceased

We are

Sir

Your most obedient and
most humble Servants
Dunk Halifax
James Oswald
R. Edgcumbe

Right Honble Sir Thomas Robinson
One of His Majties Principl Secrys of State

B P R O Ay W I Vol 630

Whitehall, June 20th 1704.

Sir

A Representation having lately been made to Us by Charles Pinckney Esq. One of His Majesty's Council of the Province of South Carolina, now resident here, setting forth that he has received Intelligence that the French intend to build a Fort in the Upper Chero kee Country, and pointing out the Importance and Necessity of preventing the Execution of such a Design by building good Forts there, We think it Our Duty to transmit to you the inclosed Copy of the said Representation and of the Paragraph of a Letter therein referred to; And at the same time We beg leave to acquaint you with the several Steps which upon looking into the Books of Our Office, appear to have been taken towards erecting a Fort in that Country.

Mr Glen, His Majesty's Governor of South Carolina, in his Letter of the 28th of April 1707 ac. quainted this Board that the Cherokees, tho' at that time courted by the French, had sent to him praying that a Fort might be built and garrisoned by the English in their Nation, and offering to give

as

as much Land as was necessary for that purpose without and Consideration, to assist in building the Fort, and to supply the Garrison with Provisions for two Years. The Board, having transmitted this Proposal to His Grace the Duke of Newcastle, in order to its being laid before His Majesty, received His Majesty's Commands to consider and report their Opinion upon it. In consequence of which they humbly recommended a Compliance with the Request of the Cherokees, and proposed that Mr Glen should be directed to enter immediately into a Treaty with the said Indians for the necessary Quantity of Land in the most proper Place, and to transmit the Terms of such Agreement, together with the Plan of the said Fort and an Estimate of the Expence, in order to be laid before His Majesty for his further Directions. And His Majesty being graciously pleased to approve of this Proposal, an additional Instruction to that effect was given to Mr Glen in June 1748, who, in his Letter to us of the 15th of July 1750, acquainted us, that he had purchased the Land from the Cherokees. That he found it difficult to fix upon any particular Plan for the Fort, or to compute the precise Expence of it. That those points must be reg-

-ulated

ulated in a great measure by the Situation and by the nature of the Soil, and therefore he could not determine whether it might be proper to build it, or only to face it with Stone or other Materials, or to make it wholly of Earth sodded, but that when he should have received His Majestys Orders and have seen the Country, he would give Directions for building such a Fort as might effectually answer the Intent of it; That in general he could only observe that Labour is so extremely dear in that part of the World, that People could not be expected to work at the Fort under two Shillings or two Shillings and Six Pence p day, and each Person must be paid two Months extraordinary, as a Months time would be lost in going thither, and a Month in returning. That however as he was certain of assistance from the Indians, if His Majestys would give him leave to go to the Expence of two thousand five hundred Pounds Sterling, he would engage it should be done for that Sum, and if any part should be saved, it should be strictly accounted for.

We lost no time in transmitting to His Grace the Duke of Bedford a Copy of the foregoing Paragraph; but it does not appear to us, that His

Majesty

Majesty's Pleasure has ever been signified thereupon

We humbly apprehend from the Situation of the Cherokee Country, and the Strength and Number of that Nation (the most powerful one that borders on South Carolina) that the building Forts there is at all times an Object of great Importance; but more especially so in the present Conjuncture, as the French Intentions of building a Fort in the Cherokee Country, where there are Rivers which communicate with the Ohio and Mississippi, seems to be formed upon their general Plan of establishing a Communication between their Northern and Southern Settlements in America; And therefore We desire you will be pleased to lay this matter before His Majesty for His Majesty's Directions upon it

We are

Sir,

Your most obedient and
most Humble Servants

Dunk Halifax. James Oswald,
J. Grenville, R. Edgcumbe.

Right Honble Sir Thomas Robinson
One of His Majty Principal Secrys of State,

B. P. R. O. South Carolina B. T. Vol 19 Fol 97

Whitehall 24th June 1754

My Lords

I have had the Honour of laying before the King your Lordships Representation, wherein you humbly propose to His Majesty, that Mr Dougal Campbell may be appointed Clerk of the Crown and Common Pleas in His Majesty's Province of South Carolina in the Room of George Wedderburne Esqr deceased; His Majesty has been graciously pleased to approve your Recommendation, and has commanded me to Signify His Pleasure to you, that you should prepare the proper Instrument appointing the said Dougal Campbell to be Clerk of the Crown and Common Pleas in His Majesty's said Province of South Carolina, and that you should transmit the same to me in order to my laying it before His Majesty for His Royal Signature

I am

My Lords

Your Lordships

most Obedient

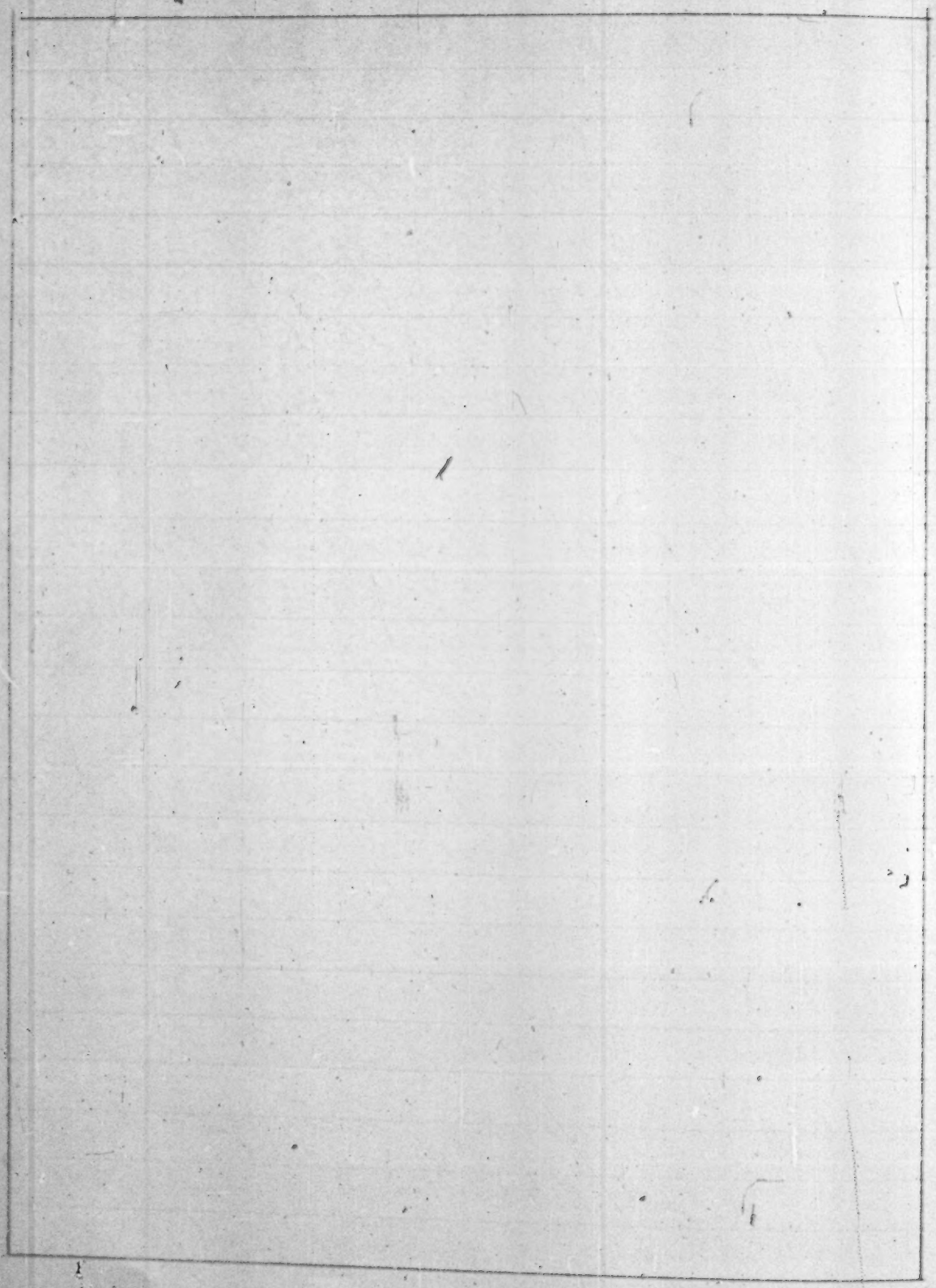
humble Servant

T Robinson

Lords of Trade

Receed 24 June 1754

Read 25 Do



B P R O South Carolina B T Vol 27 p 245

(25th June 1734)

To Sir Thomas Robinson, one of His Majestys
Principal Secretaries of State

Sir

In Obedience to His Majestys Commands signified to us by Your Letter dated the 20th instant June, We have prepared a Warrant appointing Dougal Campbell Esqr Clerk of the Crown & Common Pleas in His Majestys Province of South Carolina, in the room of James Wedderburn Esqr deceased, And We desire you will be pleased to lay the same before his Majesty for his Royal signature.

We are

Sir

Your most obedient and
most humble Servants

Dunk Halifax
J Pitt
James Oswald
A Edgcumbe

Whitehall
June 25 1734

G. R.

Trusty & Wellbeloved, We greet you well

Whereas

Whereas We have taken into Our Royal Consideration the Loyalty, Integrity & Ability of Our Trusty & Well-beloved Dougal Campbell Esqr We have thought fit hereby to authorize & require you forthwith to cause Letters Patents to be passed under Our Seal of that Our Province of South Carolina for constituting and appointing him the said Dougal Campbell Clerk of the Common Pleas in our said Province, in the room of James Wedderburn Esquire deceased, To have, hold, exercise and enjoy the said Office during Our Pleasure and his Residence within Our said Province, with all and Singular the Rights, Salaries, Fees, Profits, Privileges and Emoluments thereunto belonging or appertaining, And for so doing this shall be your Warrant and so We bid you farewell.

Given at Our Court at Kensington the
day of 1751 and in the 25 Year of Our Reign
By His Majestys command

Superscription

To Our Trusty & Wellbeloved James Glen Esqr. Our Captain General & Governor in Chief in and over Our Province of South Carolina in America. And in his Absence to Our Commander in Chief or to the President

President of Our Council of Our said Province for the time being.

B P R O South Carolina B T Vol 18 N 91

To the Right Honourable the Lords Commissioners
for Trade an Plantations

The further humble Representation of Charles Pinckney
of South Carolina Esqr

May it please your Lordships

I lately took leave to lay before your Lordpps the paragraph a letter I recd from the Comissioners of Indian Affairs in His Majestys Province of South Carolina dated the 9th of April last relative to the designs of the French to build a Fort in and take possession of that part of his Majestys Dominions in that Province situate in the upper Chirokees, and as I conceived it to be a matter of the greatest consequence to his Majestys Interests I humbly represented to your Lordpps the fatal consequences that might attend their being permitted to carry that design into Execution, and that I apprehended it could only be frustrated by our building Forts in that Country to which we had been repeatedly invited by those people; And I more fully laid before Your Lordpps my Sentiments thereon when in obedience to Your Lordpps Comands of the 16th I attended on your Lordpps Board the 19th Instant, Since

which

which time I have receed a letter from Carolina dated the 9th of May last from one of the Members of his Majestys Council there in wch among other things he writes in the following terms. By a general claim of a right to drive off all the English who Trade on the waters of the Ohio, without any very forced construccon the French will expell the English from a great part of the Cherokees who have many Towns upon Rivers which take their rise not 50 Miles from the Fort built by Govr Glen at Kee-o-wee last November and are not 400 Miles N W from Charles Town near a ridge of the Appalahan Mountains and fall into a large River which joins the Ohio a little above its confluence with the Mississippi and is navgable up to the Cherokee Towns except the interruption of a few falls or rapids to be avoided by a very short portage if the french should think it necessary to bring any Ordnance into those parts and should the french once get footing among the Over Hills Cherokees a few Steps more will render them Masters of the whole Nation. They seem to have made a begining already having very lately sent a message to the Cherokees with a Suit of french colours and an invitation to send their headmen to the french Comander on the Ohio to make peace, after some consultation the Cherokees resolved to burn the Colours

and

and reject the invitation. But however favourable to the English this behaviour appears we can hardly flatter ourselves they will continue it when the french are better settled on the Ohio and approach nearer to the Cherokees and have all their Ohio Indians to attack them, with whom they expect to have a War and accordingly have a few days ago desired a supply of Ammunition from us. I say we cannot expect the Cherokees can or will incline to withstand those Attacks unless the English by proper Forts and garrisons in the Frontiers of the Cherokees will support them and by taking possession first prevent the French. From whence Your Lordships perceive the apprehensions the Cherokees themselves are under of being soon Attacked by the French in order to wrest them from the British Interest and compleat their Scheme of making themselves Masters of all the Indian Countries in his Majesty's Dominions on the Backs of his Colonies in North America

Your Lordships will be pleased to give me leave out of duty to his Majesty, and a hearty Zeal for his Honour and Service, and the Interest and welfare of my Country on this occasion, and the late alarming Accounts of the great Armament of the french and the progress they are making in his Majestys Dominions on the backs of

of Virginia, to express to your Lordships my apprehentions of the dangers those parts of his Majestys Colonies to to which I am more imediately related, are exposed, from the present designs of the french in America; and to point out our Situation with regard to the Indians surrounding Carolina and Georgia, and the means which occur to obviate the French views of making themselves Masters of all the Indians in those Countries, and which unless all due and kindly care is taken to prevent it is very greatly to be feared will be Effected by them to the utter ruin of the British Interest in America.

My Lords the dangers to Carolina and Georgia, from the present Army of French Regulars & Indians on the backs of Virginia, and those which it is said are to join them from the Mississippi and the french Settlements of Louisania are very great, should they, as in all probability they will, when they have beat the English from their Forts and Settlements on the Ohio, march southerly into the Cherokee Countrys and make themselves Masters there, which it is feared they may too easily do as neither Carolina or Georgia have any Sufficient force at hand to stop the progress of 1500 french Regular troops, inforced by, perhaps thrice as many Indians, as the whole number of his Majestys

Troops

Troops in these two Provinces consists only of three independant companies of one hundred men each, one of which is now absent having embarked on the 6th of April last in pursuance of his Majestys Comands and sailed for Virginia, where it arrived some time in the latter end of that month, & when once the french have fixed themselves in the Cherokees they will according to their known practice strongly entrench themselves there, and then march more Southerly and make themselves masters of the Chekesaws and upper Creeks, from whence they may too easily extend their conquests thro the lower Creeks and lower Cherokees, which will bring them within a few days march of the Capitals of both Provinces, by which means our Trade and intercourse with all the Indians, except the small Tribe of Catabas, will be intirely cut off, our out settlements broke up and driven in, our Negroe Slaves encouraged to rise in rebellion against us, and our Planters shut up in the Towns on the Sea coast, and at length, unless they have a very extraordinary protection, the whole of the two Colonies must inevitably be pushed into the Sea. These my Lords are the obvious dangers to which I conceive those two frontier Provinces are at present liable and exposed, should the french Army prove

Succesfull

successfull on the Ohio, And therefore I humbly presume to hope your Lordpps will be of opinion that too immediate and timely care cannot be taken to prevent their being so. But should the present Storm blow over without those dangers or some of them happening, an Event more to be wished than expected in the present situation of Affairs, I humbly presume to mention to your Lordpps the Situation as it at present occurs to me, that those provinces are in with respect to the several Indian Nations Surrounding them and the means that are necessary to secure them in the British Interest, and thereby prevent the like dangers in all future times.

Chactas all 4000 men

To begin with the Chactas, they my Lords are a large nation of Indians, situate in the Country formerly called Carolina, granted by King Charles the first to his Attorney General Sir Robert Heath, and now called by the french Louisania towards the mouth of the Mississepi River and are now almost wholly in the french Interest, but have for several years past discovered Strong Inclinations to enter into an Alliance with the English, and so long ago as the year 1738, sent down their King and many of their head men to Carolina, who entered into a Treaty of Peace and Friendship with Lieut Governor Bull which was confirmed by large presents

presents made to them by Carolina, this peace was afterwards interupted by the french influence, and was again renewed in the year 1747. but those of the Chactas who had then come over to the English interest not being timely and sufficiently supported with arms and amunition, the French and their party prevailed against those who had made peace with the English, and two or three of their Kings and many of their men fell a sacrifice to the french resentment, however it is thôt that by proper application and presents, and a support of Arms and Amunition, the greatest part if not the whole of that nation may again be brought to take up Arms in favour of the English: & if that can be effected they together with the Chekesaws, who are a small but brave nation of Indians intirely in the English Interest, situate to the Northward of the Chactas, and to the Southward of the Ohio, may find the french and all their Indians lying on the Mississipi, to the Southward of the Ohio, sufficient employment at home, so as to prevent the french sending any forces from Louisania to disturb the English possessions on the backs of the Georgia, Carolina or Virginia; and if we embrace the present opportunity of establishing ourselves well in and with the Cherokees,

Chekesaws abt 600 men

(the

(the last I am afraid we shall ever have) the Communication between the french Settlements in Canada and on the Lakes and those in Louisania, and the mouth of the Mississipi, may be intirely cut off for ever. The Situation of the Cherokees is on one of the principal branches of the Ohio runing Easterly into the Cherokee Country before the confluence of that River with the Mississipi, and all the Lands on the Waters of the Ohio are claimed by the French as theirs, and they are so well convinced of the necessity of establishing themselves in the upper Cherokees, to maintain that Claim, and to facilitate and secure their communication between Canada and Louisania. that they from time to time, and now very lately, have attempted as I have already informed your Lordpps, to obtain that peoples permission to build a Fort in their Country and which will certainly be effected if they are not prevented by our doing it first.

Cherokees all 3000 Men

The Cherokees, my Lords, may be said to be in the high road both by Land and Water from the french Settlements in Canada to those in Louisania, and they can be most easily Attacked and annoyed by the Cherokees in their Marches and inland Navigations to and from those distant Countries; And if the Cherokees with the Chactas and Chekesaws are well encouraged and supported they

will

will effectually prevent all intercourse and communication between them. The Cherokees profess themselves to be in the British Interest and have often pointed out to the Govern.t of Carolina the necessity of our building Forts in their Country; they have offered any ground we please to chose for that purpose; and at the same time have told us that the french will, if we do not, and that it will not be in their power to prevent them.

Creeks abt 2000 Men

The next nation of Indians to be considered are the Creeks, and here the french have a Fort called the Alabamas, lying upon and at the heads of the Rivers that run Southerly into the Gulph of Mexico, and by reason of their intercourse with, and the presents yearly made by the French King, from thence they have gained Several Towns of that People to their Interest, tho we still recon the Creeks in general in the British Interest; now as well to gain over those of that nation that are in the french, and so secure those that are in the British Interest to his Majesty, I humbly conceive that it is absolutely necessary that a fort equal in strength at least with the Halbama fort should be built in the upper Creek nation on or near the Chalahoochie River or within 80 or 90 Miles of the Halbamas; from whence in time the British Settlements may be extended to form one of the most

most usefull and valuable frontiers against both the french and Spaniards on all that part of North America. And another Fort it is conceived will be necessary in the lower Creeks, as we know the french have it in view to build and garrison one there as they a few years ago sent Officers and men to prevail on the lower Creeks to give them leave to build one in their Towns, and invited their headmen to go to the Halbama fort for presents on that occasion and should this be effected by the french it would prove a most vexatious thorn in the sides of both Carolina and Georgia by its near approach to the out settlements of those two Colonies, as a March of two or three hundred miles is but a very inconsiderable Obstacle to Indians instigated by the French to War and bloodshed.

Catabas all 200 Men

The Catabas are a small but brave People lying between the South and North Carolina settlements we often experienced the value of their Friendship; they would to a man join in any enterprize in favour of their old Friends the English if their Wives and Children could but be secured and maintained in the absence of their men from home; they are perpetual Enemies to the French Indians, but who, notwithstanding the proximity of the Catabas to Charles Town, the distance being only about 220 Miles, have found means frequently to come at and

Attack

Attack them; and tho they are sure to be worsted in every engagement yet they have reduced those brave people from upwards of four to about two hundred men. These Indians therefore it is necessary to preserve in their present Settlements at least against the encroachments of the English Settlers to be useful at all times and on all occasions more especially against, and as a check upon fugitive Slaves, who but for them might get to a head and prove as dangerous as they did in Jamaica.

Thus my Lords I have taken the liberty to lay before Your Lordpps the present Situation of Carolina with regard to the Indian Nations Surrounding it, with a short view of their connexion and dependencies, and the designs of the French upon them all, humbly hoping Your Lordpps will be pleased in the present arduous conjuncture of affairs, to think them worthy of your most Serious regard, And shall submitt what I have said to Your Lordpps consideration with this single reflection on the whole, namely, That if the French Arms are now Successful against us in America when the Senecas or six nations, on the backs of New York, the Miganies Twightwees, and Delawares on the Backs of Pensylvania, Maryland and Virginia; the Cherokees, Chickesaws and Creeks, on the backs of Carolina and Georgia, are against, at least have

not

not openly sided with, the French, what destructive consequences may not be expected from their Conjunct force when all or any of those nations, especially the latter, shall be compelled by the French to join their Arms against us

Recd June 7th } 1794
Read — 27 }

C. Pinckney
June 27th 1794

B P R O A & W I Vol 74

Whitehall 5th July 1754

South Carolina

Sir

Your Letter of the 30th of March acknowledging the Receipt of the Earl of Holdernesse's Instructions of the 28th of August, has been laid before the King & His Majesty is willing to Hope that, the Officers and Men which you have raised as Equal to the Independent Company, will answer the good Opinion, which you Express of them; But as, you must be very Sensible by this time, from the Accounts you will have received from Virginia & other Parts, of the actual Hostilities of the French upon the River Ohio, His Majesty does not doubt, but that Your Province will have exerted themselves to the utmost of their Power, both in Men & Money for their own, & the Common Safety, And that they will at all Times be ready to contribute, to the mutual assistance of His Majestys Several Colonies upon the Continent, for which purpose such a Plan of Concert, as seems to be the general wish of the Kings Subjects in America, is now preparing Here, & will be transmitted as soon as possible. In the mean Time, I am to enforce

to

to you, by the Kings express Command, the Directions of the 28th of August last, in the strongest Manner, & I am to acquaint You, that His Majesty expects your Immediate observance thereof, in the doing of which you will be the more encouraged by receiving the inclosed Extract of a Letter of this date, which I have written to Mr Dinwiddie, whereby you will see with what care His Majesty has provided for the Present to be made according to your desire to the Cherokee Indians, and the means which have been found for enabling you to build a Fort, upon their Lands with their Consent

I am &c.

T Robinson

B P R O South Carolina B T Vol 15 Fol 105

Craven Street July 3d 1764

Sir

As Govern.r Dobbs is not embarked for his Govern.ment of North Carolina I humbly presume to trouble my Lords Com.rs of Trade & Plantations with a Short paper on the affair of the boundary of the two Provinces of South & North Carolina occassiond by a paragraph in a letter I have recd concerning (among other things) the encroachments of the Towns & Settlem.ts of the Catabaw Indians by the Survey.rs of Lands from N. Caro.a which may prove very prejudicial to his Majestys interests if it be not restrained, and therefore I hope you will be so good as to lay it before the Lords at their first meting for their directions therein as their Lordpps shall think proper, And I shall be ready to Attend their Lordpps thereon when ever it is necessary

I am

Sir

Your most Obedient Humble Servant

(To John Pownall Esqr) C.s Pinckney

Inclosure

(Inclosure)

To the Right honourable the Lords Comrs of Trade & Plantations

The Humble Representation of Charles Pinckney of So Carolina Esqr

May it Please Your Lordpps

His Majesty was pleased so long ago as the year 1730, when his Excellency Robert Johnson Esqr was appointed Govr of South Carolina to take into his Royal consideration the necessity of Settling the boundary lines between the Provinces of South and North Carolina in order to prevent disputes between the Inhabitants of the respective Provinces, and that they might be fully acquainted within which Province they respectively lived, and the Governments and Courts of Justice to which they owed obedience and were amenable by one of his Royal Instructions to Govr Johnson Directed that a line begining on the Sea Shore on the South side of Cape Fear should be run thirty miles along the Sea Coast from that River and then to Run back into the Country parallel with Cape Fear River and keeping thirty Miles from it to the head of that River and from thence to run a due west course, which should be the dividing and boundary line between the two Provinces, but his Majesty was pleased to direct that if Wac-

camaw

camaw River was within that thirty miles then Waccamaw River to the head thereof should be the boundary, now the Fact is that begining on the South side of Cape fear River & measuring along the Sea Coast, as the Instruccon Directs, Waccamaw River is not found within those thirty miles, nor until you have got about Eighty Miles from Cape fear River, but as Waccamaw River when it has Entered the Land a few Miles, makes a more easterly turn than Cape fear River does, and running almost parallel with the Sea Coast, it Reaches towards the head of it, near^d and nearer to Cape fear River, and at the head comes within thirty miles of it; Hence the Government of North Carolina insisted that Waccamaw River was to be the boundary as far as it run, and the Government of South Carolina that it was not, as it was not to be found within the 30 Miles from Cape fear River, measuring down to the Sea Coast, as the Instruccon directed. Gov^r Johnson however appointed Comissioners to join certain Com^rs Appointed by Gov^r Johnson of N^o Carolina who made some agreement together concerning the line to be the boundary, but as it was apprehended in S^o Carolina not to be agreable to the Kings instructions the agrument of the Com^rs never was confirmed and Gov^r Glen having had the same instruccon repeated to him on his going over to Carolina

it

it is conceived Such agreement was not thot to be valid here, and that it continued to be his Majesty's intention that the boundary line should be fixed as was at first directed by Govr Johnsons Instructions that is to say by a line run from the Sea Coast at thirty miles distance from Cape fear River and paralel with it to the head thereof and thence in a due West course thro out.

It is therefore humbly hoped that the former Instructions will be again ordered to be imediately carried into execution and to prevent all possibility of doubt concerning it that it may be explained to have been his Majesty's intentions that only in case the Mouth of Waccamaw River be within 30 Miles of Cape fear measuring on the Sea Coast then and not otherwise Waccamaw was intended to be the boundary between the two Provinces as far as the head or Source of that River. And it is conceived that the Running and ascertaining the boundary line between the two Provinces is the more necessary as the Confusions in both Provinces are very great for want of its being done; The Kings Officers cannot tell how or where to Execute the process, Writs and Warrants Issued from the respective Governments. The Men cannot be properly Regimented; The People know not in which Govrnmt they are nor to whom they owe

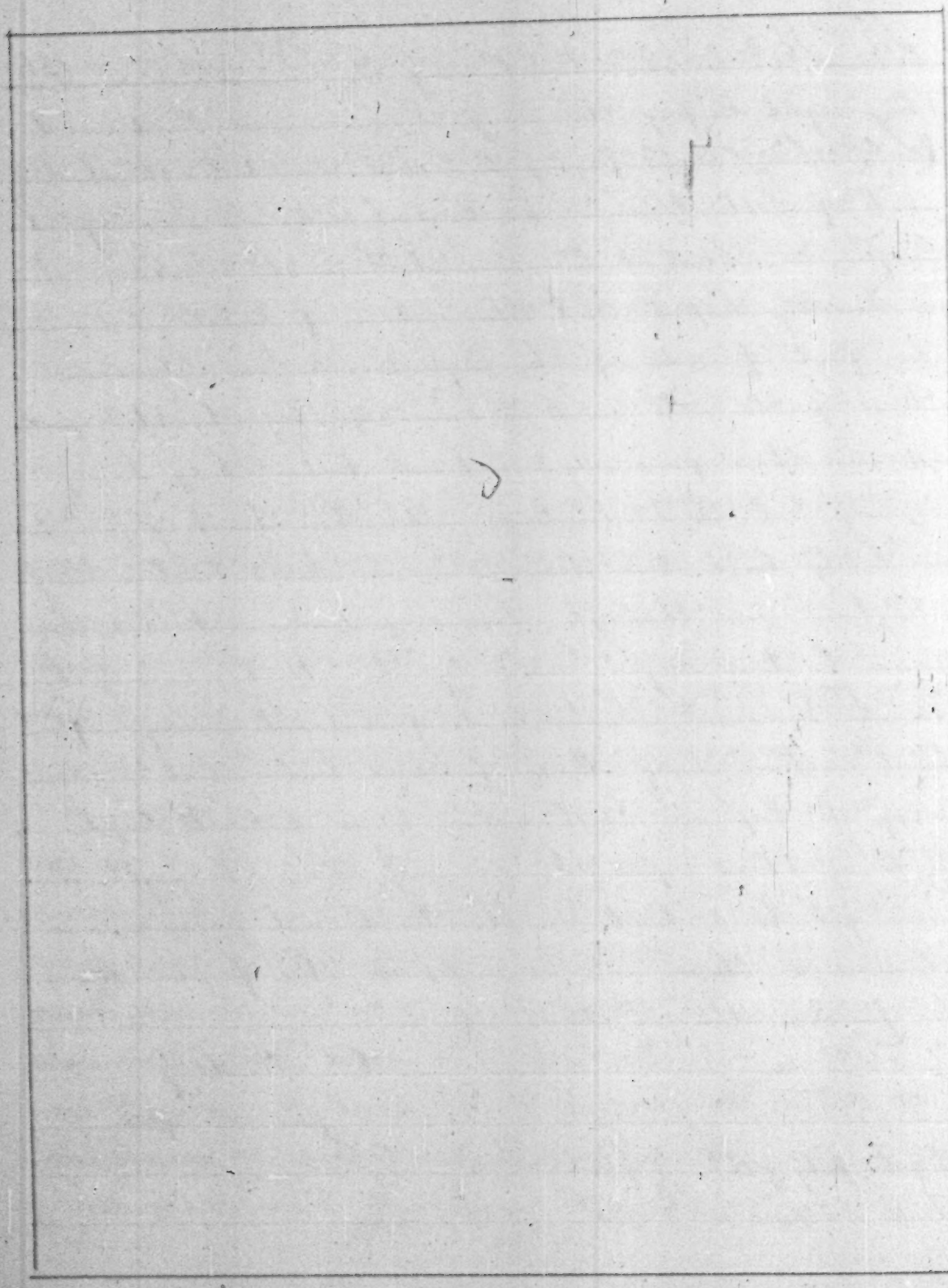
obedience

obedience, or to what Courts they are amenable or to whom they ought to pay the Kings Taxes or quit Rents, and hence many avoid paying to either; So that all that part of both Provinces must necessarily remain in great confusion untill it be done And in the meantime it is humbly hoped that the nation of Catalba Indians the fast friends of the English who are Situate in those parts, will as it is necessary they should be guarded in their possessions and not disturbed by Surveyrs runing out their Lands or into their hunting grounds as lately hath been done by some North Carlina Surveyrs who have run through their very Towns but that the same Caution may be used by the North as is by the South Governmt absolutely to forbid all Surveys of Land within thirty Miles of their Towns as it is necessary to keep up that nation as a distinct People to be a Check upon the runaway Slaves who might otherwise get to a head in the Woods and prove as mischevious a thorn in our sides as the fugitive Slaves in Jamaica did in theirs

Cs Pinckney

June 29th 1731

Receed July yr 6th } 1731
Read April 15 } 1735



B.P.R.O. Plantations General B.T. Vol 55. p. 166.

Deputation from John Flammerton to
Jeorge Gabriel Powell deputation of the Office
of Secretary of South Carolina dated the
8th day of July 1754.

To all to whom these Presents shall come

John Flammerton of the Province of South
Carolina in America but now of London Esqr.
sendeth Greeting.
Whereas the said John Flammerton by virtue
of Letters Patents dated the eleventh day of Feby
in the fourth year of His present Majestys
Reign is intituled for his life to the Office or
Employment of Secretary and Register of the said
Province of South Carolina subject to the pay-
ment of the yearly sum of hundred and fifty
pounds unto Robert Allen of Putney in the County
of Surry Esqr. And he the said John Flammerton
for better payment of the said one hundred
and fifty pounds did heretofore appoint Jeorge
Gabriel Powell Esqr. his Deputy to execute the
said

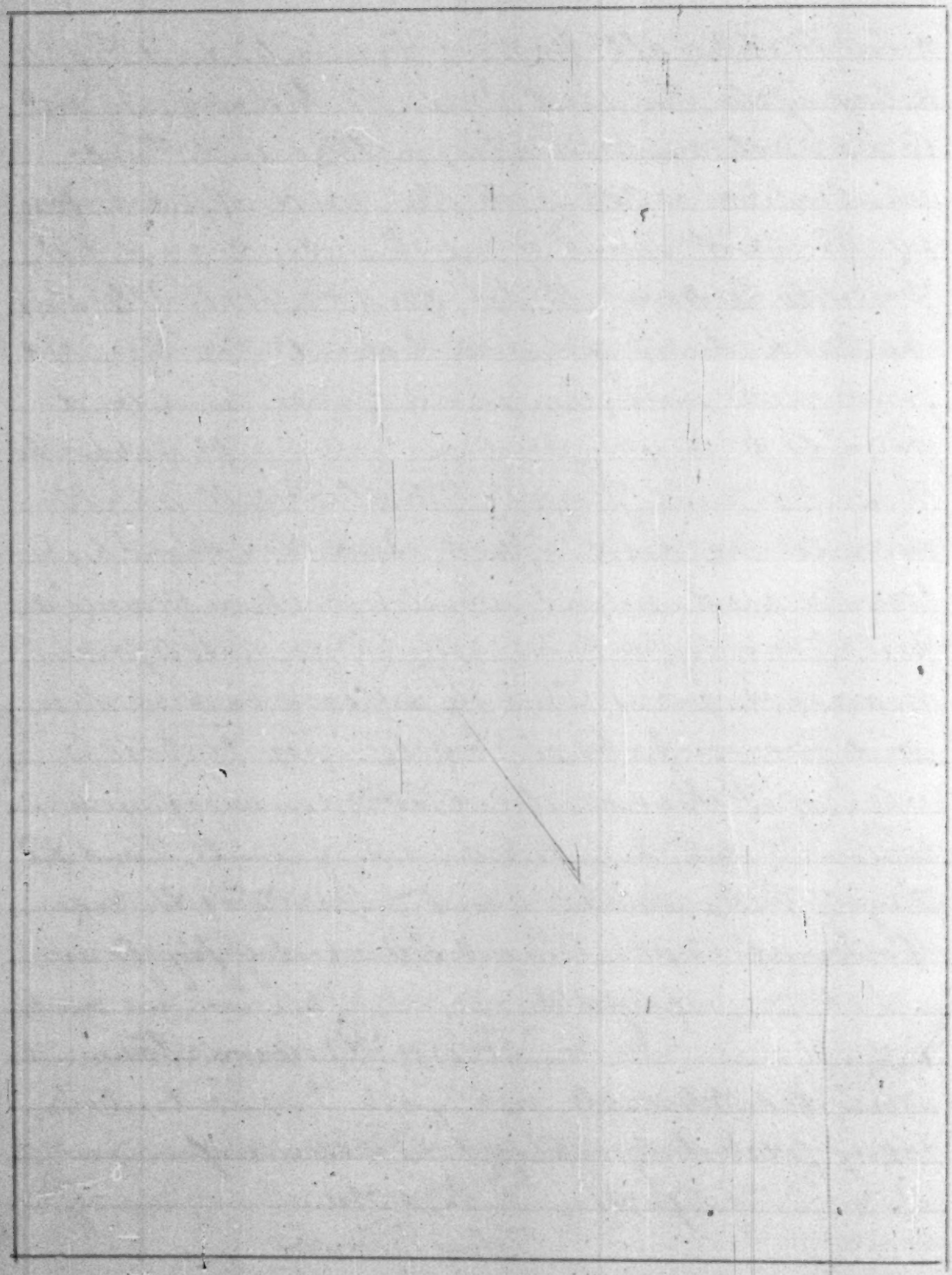
said Office and to take the Fees and perquisites thereof to his own use he paying to the said Robert Allen the said one hundred and fifty Pounds p: Ann: and the further sum of fifty pounds to him the said John Hammerton and Whereas the said George Gabriel Powell hath agreed to advance and pay to the said John Hammerton the sum of ninety pounds for one year commencing from the eighth day of May last, and the sum of one hundred pounds p: Ann: from the end of such year during the time the said George Gabriel Powell shall execute the said Office instead of the sum of Fifty pounds p: ann: before mentioned to be paid over and besides the said sum of One hundred and fifty pounds to the said Robert Allen, now Know ye that I the said John Hammerton for the consideration aforesaid have nominated and appointed and by these presents do hereby nominate and appoint the said George Gabriel Powell my true and lawfull Deputy to execute the said Office of Secretary and Register of the said Province of South Carolina

and

and to take all the Fees, Perquisites and Profits belonging to the said Office to his own use, and to do and execute all matters and things whatsoever relating to the said Office, he paying the said sums of one hundred and fifty Pounds p: ann: to the said Robert Allen and the said sum of ninety Pounds for the said first year and the sum of one hundred Pounds p: ann: for every year after during the time the said George Gabriel Powell shall execute the said Office, And I do hereby revoke and make void all other other Deputations by me at any time heretofore made or given to any person except the said George Gabriel Powell. In Witness whereof I the said John Hammerton have hereunto set my hand and seal this 8th day of July in the year of Our Lord one thousand seven hundred and fifty four

(Sign'd) John Hammerton

Sealed & deliver'd
(being first duly stampt) in presence of
(Sign'd) T. Brown.
John Palmer.



B P R O. Ar W I Vol 67.

S^t Carolina Aug^t 15^th 1724.

Sir

I lately had the honour of a letter from you dated the 21 March last acquainting me that His Majesty had appointed you His Principal Secretary of State for the Southern Department and as the Provinces are consequently under your immediate Direction, I must pray that you will be pleased to take this Province under your Protection. There is none in America so likely to do Credit to a Minister who has the good of his Country at heart, or to reward any care he may bestow upon it, for with a moderate share of Favour it will flourish, and most soon become as considerable as any belonging to Britain.

Altho I never had the honour of your acquaintance, and have ban so long in this distant corner of the World as to know little of the concerns of the Great, yet the most Retired and Remote, cannot be unacquainted with the Character and merit of S^r Thomas Robinson, they must rejoice when great Services are rewarded with great Power, and when Superior Talents are placed in the most distinguished Stations.

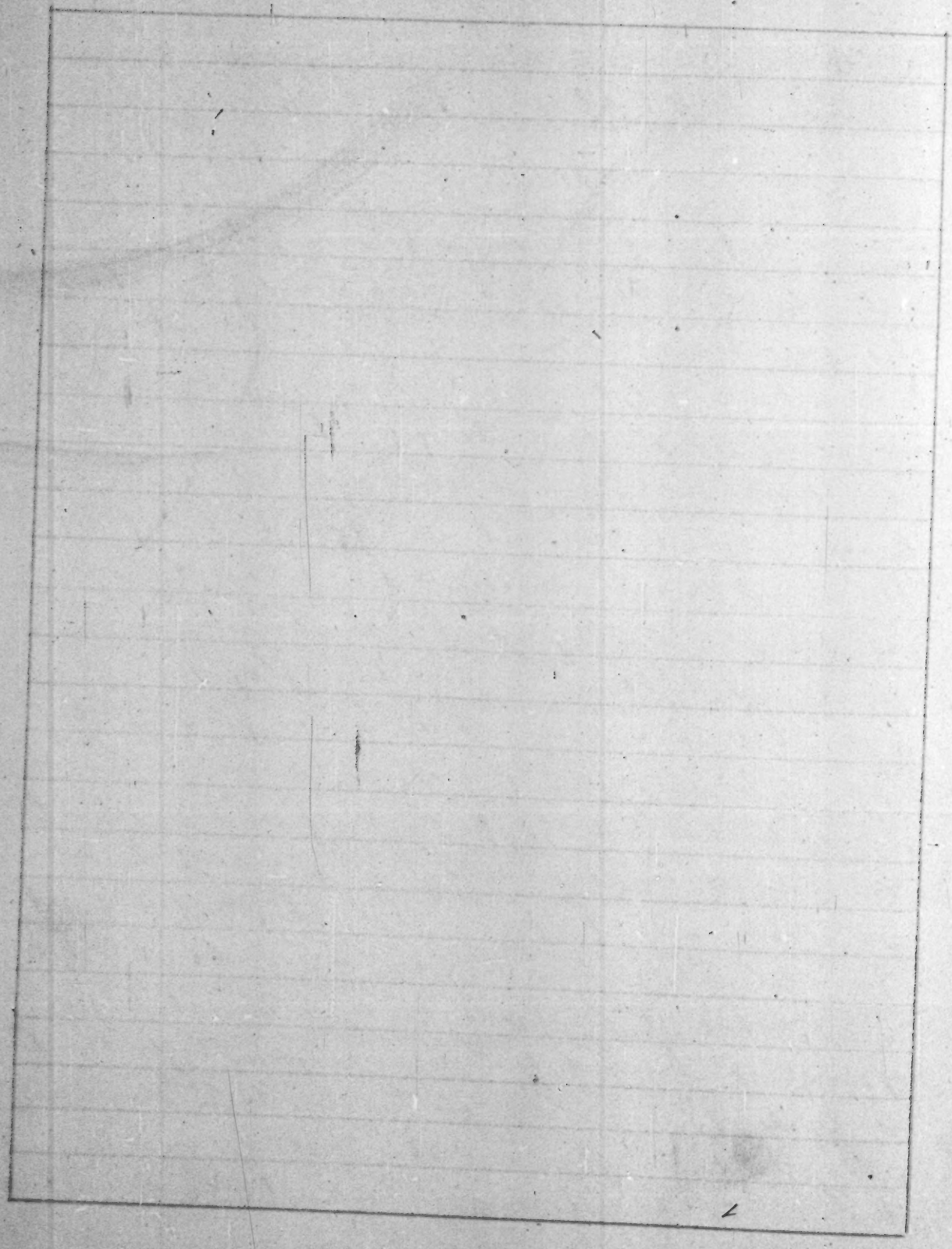
May

May you long shine, Sir, in that high Sphere in which a Discerning Monarch has deservedly placed you, and always continue to possess your Princes favour and love of the People, and I pray that your heart may be inspired with a particular affection for this Province which will redound to your own Honour will be for the benefit of Great Britain and an advantage to all the Colonies in general.

If after these great Objects of your care and attention, I might presume to mention an old Servant of the Crown, a person who is sensible that his greatest merit is to have meant well and against whom there never was the least Complaint that he knows of, permit me to recommend to Your countenance and Protection

I am with the greatest Respect
Rt Honourable Sir
Your most obedient &
most humble Servant
James Glen

(To Sir Thomas Robinson)



B P R O Ar Vol 67

S. Carlina Augst 13th 1754

Sir

None of the Kings Colonies felt more sensibly the Calamities of the last French War than this for which reason we are very attentive to every Circumstance that has any tendency towards one, and are greatly allarmed at the present Proceedings to the Northward, we think that a small spark may kindle a great Fire, and are affraid that if the Flame bursts out, all the Water in the Ohio will not be able to extinguish it, but that it may soon spread and light up a general Conflagration, we wish that the measures that are now pursued there may not be productive of such consequences, be we are persuaded that had the proposals of this Government been listened to, they would have preserved Peace, and we are still of Opinion that they will be found the most likely means to restore it should it be lost, namely that there should be a meeting at Virginia of most of the British Governours upon the Continent at least of these Six, the two Carolinas, Virginia, Mary Land, Pensylvania, & New York, to consider & Canvas the present disputes betwixt the French and

us

us more minutely than has hitherto been done, not to rest satisfied with the general words of Murders Depredations and Invasions, so frequently used in the News Papers of those Countrys, but to fix upon particular Facts and Acts of Hostility, to get the fullest Proof that can be had of them, and when we ourselves are fully convinced of the truth of them, to send specific Complaints accompanied with the Proofs to the Governor of Canada, to demand Redress and Satisfaction for the Injuries, and an Eclaircissement upon all the differences between us. This I apprehend should be one part of our business at that meeting and the first step to be taken, at the same time a Proper Plan of Operations might be concerted in case of his refusal, we might also agree upon and adjust the several Quotas that each particular Province should advance, not only upon the present Occasion, but any subsequent Emergency, and tho perhaps the several General Assemblys; who retain the power of raising or Levying those Quotas, might make some little Alterations from what might be agreed upon by the Governors, yet that could make no Sensible difference in the Scheme and we are fully persuaded that if such a Confederacy were fully known,

it

it would either prevent any Controversies between the French and us or soon finish them, whereas the present management is likely to cherish & protract them, and to feed the Flame, a few men raised in One Province this month, a small Sum squeazed out of another the next the men die or desert, the money gone, and nothing done effectually, it will be in vain to think of having recourse to these Provinces a second time, & therefore something to the purpose should be done at first, something that will soon finish the matter, which cannot be expected without such a meeting as I proposed, & such an Examination, which I believe is much wanted, for can it be supposed that distant Provinces who heard many contradictory accounts, will pay such deference to a letter from another Governor, perhaps neither full nor Satisfactory, and raise money and men, when they see his own Province, which is more immediately concerned, turn a deaf ear to such Reports and do nothing or what is next to nothing.

Such an Examination into Facts as is here proposed appears to me, to be the more necessary as I find that long after the wrongs said to be done by the French upon the Ohio and in the Back parts

parts of Virginia, had been trumpeted in one Province and echoed from others, so that all America rung with them Mr Dinwiddie sent a Gentleman to the Ohio to get intelligence of what the French had done prejudicial to His Majestys Interest these are the words of his letter to me, and I acknowledge they surprized me, for I thought that their many Acts of Hostility, tho all unknown to me, were notorious in Virginia, I have indeed heard since, that a Family in the back parts, that is to say in the Woods, had been murdered, but that happened afterwards, and the discovery is said to be made by some Indians, This Mr Dinwiddie says he concludes must have been done by the French, or by their Indians, but this would be a very hard and I hope a very groundless conclusion, there never passes one year that the Cherokees do not take a boat or two belonging to the French on the Mississippi and destroy most of the Crew, last year they killed eight People belonging to one boat, and brought two Prisoners alive into their Nation, and this Year they killed most of the Crew of another bessel upon that River, and brought in three Prisoners, but they never accused, and I dare swear never suspected

the

the English as the Actors of such barbarity, neither can they imagine that we are or ought to be answerable for what our Indians do, nor can the crimes of their Indians be imputed to them except when they countenance or advise them, of which there is no proof in the present case. On the contrary, from a longer Experience in Indian Affairs and a more intimate knowledge in the nature of them than Governor Dinwiddie can as yet have. I conclude it more likely to have been perpetrated by our own Indians by those very Indians who pretended to have made the discovery, and of such practices I can produce many instances. Before the Peace which I lately made between the Cherokees and Creeks was fully finished, some Parties of Schawannoe Indians (a small Nation too much in the French Interest) set upon and killed several of the Cherokees leaving marks and tokens as if it had been done by Creeks, this was done after both Creeks and Cherokees had agreed to forbear Hostilities that matter might be fully adjusted. The Creeks also seized several of these fellows lurking in the Bushes, watching an opportunity of killing some of them that the Cherokees might be suspected, and

so

so that the War might be blown up into a fresh Flames. Some Years agoe a pretty large Party of Schawannoe Indians came from the Ohio and Settled among the Cherokees, and took great pains to improve every little misunderstanding between them and this Province, aggravating our Conduct as Oppressive, and advising them to resent it, promising to stand by them, and to bring many more to their Assistance, at the same time firing at and wounding some of our People and accusing the Cherokees of it, in hopes to work us up to revenge it, but finding all their Artifices were discovered, and likely to signify little, two of them set out from the Cherokee Nation, and came into a house in Our Out parts, the Master of which Spoke their Language well, and tho they were hospitably entertained, they murdered the Master his Wife and all his Children, with a Stranger that lodged there that Night, concluding that we would suspect the Cherokees (with whom we had some little differences at that time) and call them to an Account for it, but the Woman tho mortally wounded, lived long enough to declare that they were Schawannoe Indians who had committed the Fact and that her Husband had

had told her so before he was murdered, soon after this the whole Body left the Cherokee Nation, and returned to the Ohio, declaring when they went away that they would live no longer among the Cherokees since they could neither get them to Strike a Stroke against us, nor embroil us with them, how melancholly would it have been had We become the Dupes of those Indians, or had We fallen into the Snares spread for us by Savages, and I really suspect that this is the Case in this Instance at least in Virginia.

I expected to have found all the Offences of the French exactly and particularly enumerated in the Lieut Governor of Virginia's Letter to the French Commandant, but was greatly disappointed to find them all lumped in these words 'that he had sent 'to complain of the Encroachments made on Lands on 'the Ohio, and of the Injuries done to the Subjects 'of Great Britain, in open violation of the Law of 'Nations, and Treaties subsisting. The French Command-'ant in his answer says that he knows of nothing 'that had been done that could be deemed an Act 'of Hostility, or that is contrary to the Treaties subsist-'ing between the two Crowns, that if he had been pleased

'to

'to have condescended upon any of the particular Facts
'which occasioned his complaint, he would have answered
'them in the fullest and most satisfactory manner; his
whole letter is cool and clear, it is as sensible as civil.
it contains no Declaration of War, nor does it seem to
furnish a handle for one, tis true indeed he refuses
to obey Governor Dinwiddies Summons to retire, But
from what place Mr Dinwiddies letter says that the
Lands on the Ohio are so notoriously known to be the
Property of the Crown of Great Britain, that it sur-
prized him to hear that a body of French Forces were
erecting Fortresses within His Majestys Dominions. —
Major Washington when he came to the Ohio with that
letter, found neither Forces nor Fortresses there; he met
indeed three Frenchmen and asked them where their
nearest Fort lay, to which they answered that it
was near Lake Erie, this he found to be many miles
to the Northward of the Ohio, for it took four or
five days to ride it, he says tis a hundred and
thirty miles by Water; Every one acquainted with Amer-
ican Affairs knows that the French have had Forts
on or near Lake Erie for these Fourscore years, I can-
not therefore think that it is His Majestys intention
that His Subjects in these Parts, should in time of

Peace,

Peace, distirb such long Possession, I am affraid a Book of no great authority may have misled some Gentlemen of Virginia into an Opinion that if they could get a large Share in the Indian Trade, it might be greatly for the benefit of that Province, for I have seen them printing that way above four or five years ago. the Book is Keiths History of Virginia in Page 181 are the following words "The most Ancient tho not "the most considerable Branch of Commerce in Virginia "is its Indian Trade &c and in the same Paragraph he says," but if ever the English (as one time or other "they probably may) extend their Settlements in Virginia "beyond the Great Mountains, and come to possess Lands "on Lake Erie, and as far back as the Branches of "Mississippi, then will the Indian Trade be considerable "indeed.

The Government of Virginia know little of our Indians, and can have no great knowledge in any Indian Affairs they have nevertheless busied themselves extreamly for these three or four years past with all the Indians Contiguous to and in Alliance with this Province, which has been matter of great Concern to every Member of this Community; as they are sensible how dangerous it may be when matters of so great

delicacy

delicacy are handled by Gentlemen that can have no great experience in them.

The Person who has ben often sent from that Government to the Cherokees and Catawbaws, to invite (and I must add to press them) to go thither to get Presents, has spoken very disrespectfully of this Prince to the Indians, telling them that they will not be treated there with old Cloaths, alluding to the Presents sent by His Majesty to be distributed to them by us, and has endeavoured to bring this Province into Contempt, and by a late letter that I received from the Catawbaw Interpreter, he tells me that this fellow has deluded the King of the Catawbaws and most of the Headmen of that Nation to go to Virginia to receive Presents, and there being no Headmen in the Nation and most of the other Warriours dispersed, some a hunting and some gone to War, there are not thirty men left at home, the Interpreter therefore concludes that if an Enemy come against them at present, the whole Nation must be cut off, and whether or not, he thinks the Nation from this Fellows intrigues will move away in a Body in the Spring, which will be no benefit to Virginia but an irreparable loss to this Province it were

therefore

therefore to be wished that the management of Indians & Indian Affairs were left to those that are the most conversant in them. But upon all these Accounts I am confirmed in my opinion that there ought to be a Meeting of the Governors, a thorough Examination of all our Complaints against the French, and if they shall appear to be well founded that Redress and Satisfaction should be demanded, and in case of refusal that Provision should be made for a sufficient Force to do ourselves Justice.

If these Steps are taken we shall begin Regularly and I hope we shall end gloriously, if War should happen, we shall be able to fix upon the French the Odium of involving their Colonies in an unjust War, which for that reason I hope Heaven will render a destructive one to them, on the other hand, if we hurry into it without these precautions, they will have reason to roll over the blame upon us of being the beginners of it.

But tho I am thus cautious not to plunge the Provinces too precipitately into a War, yet I should be sorry to see the French permitted to settle the Ohio River, but infinitely more so to see them settle and build Forts on Tennessie River, the one might prevent

prevent some good, the other must be productive of much mischief, and this Province must neither spare Blood nor Treasure to prevent it, and I hope it may be done without great expence of either, at least without the forcible intervention of the Mother Country, especially if the Provinces enter into a Confederacy, for tis probable that when the French see that we are proceeding regularly and unanimously, that is with united Councils, they will be too wise to measure their strength with ours well knowing that such a combat must prove very unequal; tis true we have no great Reason to congratulate our selves upon any measures that have been hitherto pursued, nor do I think there is any appearance that we ever shall while we proceed in the manner we now do, and until we have the meeting that I have often proposed, for it is my opinion that every single step that has been taken is wrong, and when I sincerely think so, I know it is my duty, writing to a Secretary of State, to say so, it were criminal in me to commend when I think things deserve Censure even Silence would be blameable, more especially as the Province that I have the honour to Command may be greatly affected by the present Proceedings.

But instead of animadverting on the Conduct

of

of other Colonies, permit me Sir to propose a Plan that if it meets with His Majesty's approbation, will in my humble opinion secure to His Majesty, at a small expence, the Countrys that seem to be the Cause of the present Contention betwixt the French and us.

The Country lying betwixt the Atlantick Ocean and the Mississippi River is about 1000 miles in depth, that is to say from East to West, it is intersected by a Ridge of Mountains running from the North to South called in Virginia the blue Mountains or the Allegeny Mountains, and in this Province the Cherokee or Appalathian Mountains. The Rivers that flow from the East side of them have an Easterly Course verging towards the South, and after running four hundred miles fall into the Sea, as those from the West side after a much longer Course Westerly fall into the Mississippi. Some of the most sensible and credible Cherokee Indians, who have often traversed every part of the Country both in going to War and hunting, describe it to me as the most delightfull as well as the most fertile in the World abounding with large extensive Plains and Savannahs, swarming with Deer and Buffalo, I should be affraid to indulge my self with the liberty of copying their words, least I should be thought to be drawing a

Picture

Picture or painting a Landscape, numbers of Rivulets water it, but it is the bed principally of three great Rivers, Ohio, Ouabash, and Tenessie this last has its rise in the Cherokee Nation, and runs a great way through it, these three Rivers after a course as I have said of some hundred Miles at length mingle their friendly Streams together, and continuing united a considerable way discharge themselves by one Mouth into the Mississippi, I have not rested satisfied with a verbal description of the Country from the Indians, but have often made them trace the Rivers on the Floor wth Chalk, and also on Paper, and it is surprizing how near they approach to our best Maps.

It would not be difficult to demonstrate the present benefit that would accrue to Great Britain by Peopling and Settling the Country that I am Speaking of, but all I plead for is, that we may with the good will of the Indians, take and keep Possession of it by Forts, I have upon some former occasions represented both to the Secretary of State and to the Lords of Trade, the Efforts of the French, and their restless endeavours to get some Footing near the Cherokees upon Tennessie River, and tho I have been hitherto happy enough to have defeated their designs, yet I may not

not be always so successful. I have foretold the Dan-
-ger that threatened all the Kings Colonies, but par-
-ticularly this Province should they ever be permitted
to have a Fort there, a thing that they have long
laboured, that this would secure to them the over
-hills Towns, and these Towns command the whole
Nation, and that if ever the French become Masters
of the Cherokee Nation it would in my sincere opin-
-ion render the Properties of His Majestys Subjects in
this Province very precarious.

In consequence of my repeated Representations,
I received an Instruction under the Hands and Seals
of their Excellencies the Lords of the Regency dated
in June 1748, Ordering me to enter into a Treaty with
these Indians for the purchase of a Spott of Ground
over the Hills for the building of a Fort, this I
accordingly did, the it was sometime before I had
an Opportunity, and of which I acquainted the Minis-
-try, but as that Fort has never yet been built, I
would now propose to treat with them for an actual
Surrender of their whole Country, and that all the
Lands as far as the Mississippi should be His Ma-
-jesty's Property, and that they should execute an Ab-
-solute Conveyance of it, and acknowledge themselves to be

the

the Kings Subjects, I have the less doubt of being able to procure such a Deed, because when I was there last year, and had purchased some Land on which I built a Fort, a principal Headman told me in the presence of several Headmen, and of all the Gentlemen who were with me, that the Land that they had now given was not worth acceptance, it was like a small shred from a great piece of cloath, but that he himself would soon go round the whole Nation (naming all the Towns) and get them to give up all their Land, at last I am pretty certain that I shall be able to prevail with them to enter into a Solemn agreement to hold their Lands of His Majesty as Head, and pay an Annual Tribute of a few Deer Skins for his Protection and as an acknowledgement of him as their Superior & Lord, or it may be paid once in every Kings Reign. When this Deed is executed I think it would be very proper to invite some of the Headmen to England, and that they should be deputed by their Nation to do Homage to His Majesty. Seven Headmen went to England in the Year 1730. The Lords of Trade in His Majestys name entered into a Treaty with them, and they were well received and entertained, this has been productive of many good

consequences

Consequences ever since, these seven are all dead except one, who is a man of great Note, he lately pressed me very earnestly before the Gentlemen of the Council and many of the Headmen of his own Nation to send him to England, and tho I could hardly refuse him, as it is four and twenty years since any of them were there, yet I did not promise it, as I had no permission for so doing, I could pitch upon seven Persons very prop- er to be sent to England, who now sway the Nation, while they are among the English they will be a sort of Pledge for the good behaviour of their People at home, and when they return I know they will keep them firm to their Engagements; Were any part of the Country that I have mentioned, possessed or claimed by other Indian Nations, it might be difficult to procure such a Surrender, but from the Town of Toqua, the Wester- most of the Cherokee Nation, all along the River Tennessee on both sides to the Mississippi which as I have said is near 600 miles, and all between Tennessee and the Ohio there is not the smallest Settlement, whether in former Ages this great Tract might not have been inhabited is uncertain, but if ever it was the several Tribes have been all conquered and destroyed by the Cherokees, whose hunting Ground it has been time out

of

of mind, so that we need fear no disturbance from Indians for we will be supported and assisted by the Cherokees, and I know of no Indians that chuse to quarrel with that great Nation, the Creeks indeed are nearly a match for them but I have lately made a firm Peace betwixt them which is like to be a lasting one and they will be as zealous as the Cherokees in promoting our Interest in that particular.

I would therefore humbly propose that as soon as this agreement can be made, we should build two Forts at the confluence of these three Rivers, one on the Neck of Land betwixt Tennessie and Ohio, and the other betwixt the Ohio and Ouabash, or perhaps it may be more advisable to erect one considerable Fortress below the Junction of these Rivers, upon the South side of their united Stream, before it falls into the Mississippi this Fort could not be safely Garrisoned with less than a Regiment, it would command these Rivers, and all the Country, and absolutely cut off the communication between Canada and Louisiana, for a single Canoe could neither go down Tennessie the Ohio or Ouabash, nor pass up, without leave, and in case of any Rupture with France it would greatly distress New Orleans and their Trade, which depend in a great measure upon the

the Supplies of Flour and other things that come down the Mississippi from the Illinoise, a Navigation that would then be too hazardous to be attempted.

I am in great hopes that this Fort might be built at the expence of Great Britain, but if His Majesty is pleased to express his pleasure that it should be built by the Colonies it might be done after the following proportion. If it cost for example £12000 Sterl^{g} which probably it might do £3000 might be advanced by Virginia, and Old Rich and well Settled Province, £3000 by Pensylvania a flourishing and very populous Province, the Staple Commodity of which not being Enumerated pays no duty to the Crown £2000 by this Province which tho perhaps a little above our Proportion I am persuaded would be chearfully born as it is greatly Interested, £2000 by New York, One thousand pound by North Carolina and One thousand pound by Mary Land, this Sum will be small to what I foresee this Expedition to the Northward will cost us especially if it is carried on by little and little which seems to be the present Plan.

I am with the greatest respect

R^{t} Honourable Sir

21th August 1754

Your most obedient and most humble Serv^{t}

James Glen P.S

P S As the present Transactions to the Northward seem to be of the greatest Importance and as I imagine the Government would have the clearer view of them by seeing the Correspondance of the several Governors with the Goverment of Virginia I have taken the Liberty to lay before the Secretary of State most of the Letters that have passed from time to time between Governor Dinwiddie and me and I now take the Liberty to Inclose the Copy of a Letter received from him in May last dated the 15th of April and a Letter from me to him dated the first of June I have lately received another Letter from him by Express which I have not had time to have Copied he informs me of an Action that happened on the 3d of July betwixt our Forces and the French in which there are these remarkable Words "The French have got the Advantage by Capitulation;" but refers me for a full Account of the Action to a Virginia Gazette Inclosed which being Re Printed in the Carolina Gazette I take the Liberty to transmit to you and also part of a Letter from me to Mr Dinwiddie which I have read to the Council several days ago from which you will Learn the Sentiments of this Government upon the present State of Affairs, the Vessel that is to

Carry

Carry these Dispatches being already under Sail I have not time to finish it but I think it my duty to Acquaint you that a few hours ago a person Arrived from Virginia who was in the Engagement and has made an Affidavit here Confirming all my Suspicians to be too true that we never had above 60 Indians in our Interest in those parts and that most of those have now Joyned the French, the half King and a few fellowes with some Women and Children making in the whole Men Women and Children about 30 or 40 had fled and gone to live in Pensylvania & that all the Indians in those parts and on the Ohio were entirely in the French Interest, that our few forces after the Engagement had retreated having previously Stipulated with the French that none of our men should be seen in that Country or on the Waters of the Ohio for a year and a day that they had been obliged to leave two of their Captains as Hostages for the delivery of some French Prisoners who were at Williamsburgh and that after the Engagement above two thirds of the Virginia Regiment which never Consisted of 200 Men Including Volunteers & Cadets of which there were many were returned home refusing Absolutely to Continue any Longer in the Service

I

I am with the greatest respect
Rt Honourable Sir
Your most obedient and
most humble Servant
James Glen

(Inclosures)

No 1 ____ Copy of a Letter from Lt Govr Dinwiddie to Mr Glen dated 15th April 1754

No 2 ____ Copy of a Letter from Mr Glen to Lt Govr Dinwiddie dated 1st June 1754

No 3 ____ Copy of a Letter from Mr Glen to Lt Govr Dinwiddie dated 22d August 1754

The South Carolina Gazette August 22 1754
Numb 1053

A Supplement to the South Carolina Gazette
August 22 1754 Num 1053

B P R O South Carolina B T Vol 18 K 99

South Carolina (21st August 1730)

My Lords

Soon after the date of my last letter to Your Lordships, I arrived in the Country of the Cherokees; Tacite King of the Valley, commonly called the Raven with his Two Sons and some other of his people met me upon the Road, about an hundred miles from his Towns, and the day after my arrival the Raven of Toxway, the Headman of the lower Towns came with an hundred of his Warriours to welcome me, and entertained me with Solemn dance with Eagles Tails, they were received by the Independent Company under Arms who saluted them with three Volleys, and I had about fifty men more drawn up, that I had hired to accompany me, and to work at the Fort, who were all well armed, but Five hundred would have been too few, not that there was any danger, but Indians mind appearances, and I am sorry to say that our Assembly minds expence sometimes too much; I was determined to lose no time in forwarding what I came about, and therefore at this first meeting I acquainted them that my business there was to build a Fort near the lower Towns, agreeable to their earnest des[illegible]

and

and my promise, but that I had never promised to build a Fort over the Hills, I had indeed assured them that I would represent their Request to His Majesty which I had done and should again do, but that they must wait his pleasure, and that I might begin in a regular manner with this small Fort I desired to purchase a spot of Ground for it, not barely what might be sufficient to contain it, but a Tract where the Warriours who were to Garrison it might plant Corn and potatoes and what else they should have occasion for not to be burthensome to them, where they might have a Range for Horses, good Pasturage for cattle and plenty of Timber for fire Wood and the other uses of the Fort, and that there must be a Road to it from the Land that I last purchased from them, they told me that I might build where I pleased and welcome, but as I absolutely refused accepting of their Ground for nothing they crossed the River to the Town house at Keowee, where they had a great Consultation and then came and sold me a Tract, and went round it with me, I paid them for it in Duffields Strouds, Shirts, Guns, Powder, Bullets, & Paint to the Amount of near £100 Sterling Prime cost in Charles Town, the Tract contains many thousand Acres of Rich

valuable

valuable Soil, I told the Headman who rode round with me that we had a custom among us that when we sold any Land we gave a handfull of the Earth to the Purchaser, he immediately dismounted and gave me a handfull telling me that the whole was as much mine as that handfull and I might make what use of it I pleased, tho he believed I could not carry it so easily away, and being upon the bank of the River, he gave me some Water in his hatt adding that I was now Master of better Water there than in Charles Town, he told me that all the Trees and everything else were mine but he must recommend to my care the Graves of some of their Headmen who were buried on the Top of the Hills within that Precinct, and carrying me up to them he shewed me several great heaps of Stones under which he said they lay, I accordingly promised that they never should be violated, and gave directions to have them railed in, I immediately laid out the Fort having carried Instruments with me for that purpose it is a Square with regular Bastions and four Ravelins it is near Two hundred feet from Salient Angle to Salient Angle and is made of Earth taken out of the Ditch, secured with fachines and well rammed with a banquet on the Inside for the men to stand upon when they fire over, the Ravelins

are

are made with Posts of Lightwood which is very durable, they are ten foot in length sharp pointed three foot and a half in the Ground, I allowed to each Soldier who worked at the Fort or on the Roads one Shilling Sterling p day besides plenty of Provisions, and they had the Kings pay and the Country pay over and above, the roads are tollerably good a great part of the way, I carried with me a post chaise, a chair, three Waggons and a Cart the whole way, and could have carried Cannon.

The Assembly had voted but £500 Sterling exclusive of the price for the Land for the whole expence, but I did not imagine it could have been done for Five times that Sum, and I am apt to think that had I not been there it must have cost that much, but it did not cost near one thousand pound Sterling including loss of Horses and every thing and the Assembly tho they had confined themselves to £500 Sterling gave me £5000 Currency wch is betwixt seven and eight hundred, and paid for the Goods that had been given for the Land besides.

As I returned from the Cherokees I stopped a day or two at Saxagotha one of our new Townships Inhabited by Germans I enclose for Your Lordships perusal a Copy of their address to me (N°1) which sets forth their wants, and

and at the same time furnishes a Specimen how much they improve in the language, I also stopped in Amelia another New Township which grows very popu-lous and the People are very thriving

When the Assembly met I made them a Speech of which and of their address to me, I have taken the liberty to enclose Copies in Print N°2 agree-able to what I had recommended, they came to a Resolu-tion to provide a Suitable allowance for Ministers for the Out Parts, and also for providing Indigo Seed, at the Public expence, to be distributed to the Poor People there, they also brought in a Bill for giving relief to the In-habitants in the distant parts of the Province with regard to the Courts of Law, but this matter could not be ripened into perfection in one Session. Near the end of this Session some Gentlemen in London having assured me that Mr Pitt was appointed Governor of this Province and would leave England in July, I made a Speech to the Council and Assembly, a printed copy of which I take the liberty to send you together with their Address marked N° (3 & 4) they passed several Laws, to all which I gave my assent, and have sent them over the reasons for them appear so plain in the sev-eral Preambles, that I need trouble Your Lordships with

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no observations upon them I also send the Journals of the Council and Assembly & would have sent the Lists of Shipping Vza as usual but the Naval Officer acquainted me that he had sent them to be laid before Your Lordships and had your Comands to continue to do so.

There have been 25000 Barrels of Rice already exported from Charles Town since the first of November all of that Crop (for there was not a single Barrel of the preceeding year) and I know of a good deal more that will be sent off, so that with what is Shipped at Port Royal and at Winyaw we may reckon in all 100000 Barrels most of it sold at 40s p Hundred Wt none under nor any above 50s the some small quantity has been sold at that price. The Planters yearly enlarge the size of their Barrels so that many now exceed 700 Wt and at a medium I believe they may be 600.

There have been already Imported since the 1st of November upwards of 2000 Negroes, and there are some Ships that are still expected from Africa with more, they have all been very readily sold and at great Prices, the men for 250. 260. and 270. Pounds currency and the Women for 200, the Boys and Girls for little

less

less, Some years ago the usual prices were 170 or 180 pound for the best picked men to be paid in Rice the following Crop, but they are now all purchased for ready money or with bonds bearing Interest, which are really as good as ready money, for I know of few or no Planters whose Credit is suspected. As Negroes are sold at higher Prices here than in any part of the Kings Dominions we have them sent from Barbadoes, the Leeward Islands, Jamaica Virginia and New York, this I think is a plain proof that this Province is in a flourishing condition, for these Importations are not to supply the place of Negroes worn out with hard work or lost by Mortality which is the case in our Islands where were it not for an annual accretion they could not keep up their stock, but our number encreases even without such yearly supply. I presume his Indigo that puts us all in such high Spirits, which in a little time will be a very great Affair, tho a few years more of the Bounty is absolutely necessary for us This year we had a great Drought in the Spring, so that numbers who intended to have Planted were disappointed, and there have been constant Rains for several Weeks past, which has greatly hindered the Working of it by this means none will have above two Cuttings, some I fear but

but one, however I have no doubt of our sending off 200,000 ℔ᵗˢ, and I believe generally of a better quality than any that has hitherto gone from hence, I know a Gentˡ who has a Frenchman who was employed twelve years at Cape Francois in making Indigo, he planted but a few Acres for an experiment, but the Indigo made by him exceeds any that I have seen and is entirely made without Lime Water others begin to follow his example and with Success.

Upon the Death of Mr Wedderburn Clerk of the Common Pleas I appointed David Græme Esquire to execute the Office, who had been recommended to me by his Uncle, the the Chief Justice, but Mr Græme immediately after went to England and was gone a considerable time leaving a Deputy no way qualified for that Charge, by which means the Office is gone into great Confusion and been very irregularly kept, and I am sorry to add that there has been no attempt to mend matters since Mr Græmes return, which was ten months ago, in particular there has been no Entry made for three years past, some months may be accounted for by Mr Wedderburns Indisposition, but there cannot be the least excuse for this great remissness since, I have now appointed another Gentleman, and have given him directions that an exact Survey be made

of

of all the Original Papers Judgements Verdicts &c belonging to the Office and that all such as can be found be methodized and digested and properly entered, and that Indexes be made for the more easy finding of any of them, and that when sorted they be carefully put into convenient Presses for their preservation, and more easy removal in case of Fire, This tho a pretty perplexed and laborious Task will be executed with great punctuality and exactness by the present Clerk of the Common Pleas, for I have appointed Mr Leigh, Son to the Chief Justice, a young Gentleman of distinguished merit whose capacity and dilligence I know, and will be answerable for, I appointed him the more readily, as I have always been of Opinion that the Chief Justice has a right to the Nomination of that Officer, having by the Laws of this Province the same powers that the Chief Justice of the Kings Bench or Common Pleas have in England, and it is well known that this Office is always given by the Chief Justice there and that the Crown has never interposed in that matter since Queen Elizabeth's Reign, I need not mention to your Lordships the famous case of Scrogge & Colesill

I must also acquaint Your Lordships that agreable to my Ins. Instruction by which I am empowered in case of

of the Death or absence of any of the Council to fill up the Vacancies in the said Council to the Number of 7. I have appointed John Drayton Esqr a Gentleman of one of the best Estates in this Country. and every way properly qualified for that Station, and who has promised to give his close attendance, and Peter Leigh Esqr Chief Justice to be of the Council five of the Gentleman of the Council being in London some of them absent near four years and two more being some where in the Northward Governments so that there are but 3 left in the Province, one of which seldom or never attends, another who is often ailing and often absent, and another who lives in the Country and cannot attend so often as His Majesty's Service requires, so that I have Summoned several Councils, and had but one Councellor to attend, tho there were many People from the Country. some who had come 200 Mile to apply for Land, but could not have their business done, there not being a sufficient number of Members to constitute the Accounts.

I have the honour to be with the greatest Respect

My Lords

Your Lordships

Most Obedient & most humb. Servt

James Glen

Alexander

Be pleased to turn over

Alexander Gordon Esq^r who has long acted as Clerk of the Council died about an hour ago, his death was owing to so slight a cause as the Cutting a Corn on his little Toe, which pained him for some time and then Mortified. A year or two ago, William Simpson Esq^r who had been drawn in by M^r Hamerton to advance a considerable Sum to him to be appointed Clerk of the Council upon an assurance of M^r Hamertons that the said place was vacant produced a Deputation from him and desired to be admitted to that Office but the paper not being properly Authenticated not being under the Seal of the Mayoralty & there being no living Witnesses to prove it, and besides proceeding upon a false Suggestion that M^r Gordon had been removed from that Office by the Council I was Unanimously advised by the Council to pay no regard to that paper, however it gave the poor old Gentleman the utmost uneasiness, and put him to considerable expence to retain Lawyers to defend his Title, for I must inform Your Lordships that besides the Deputation there was an Indenture of the same date with the Deputation executed by M^r Hamerton signifying that the the Deputation was Revokable for £200 Sterling value Received M^r Hamerton Covenanted that M^r Gordon should quietly and Peaceably possess and enjoy the said Office together with all

all the Fees Salarys Perquisites & Emoluments thereunto belonging during the Joint lives of him the said Alexander Gordon and John Hamerton under the Penally of Five hundred pound Sterling, to be paid by Hamerton but I presume imagining it would be difficult to recover the Penally he very cruelly sent out a Second Deputation and I know Mr Simpson thought it Cruel altho to prevent his own ruin he was obliged to make use of it and was accordingly admitted and sworne into the Office by me and I have heard that beside the money paid by him to Mr Hamerton he very Humanly gave a considerable Sum to Mr Gordons Family

Mr Gordon being advised by his Lawyers that it would be in vain for him to struggle against the second Deputation as it was so formal that no Exceptions could be taken to it and that it actually revoked the Deputation to him, sent me word that he was not in a Condition to Litigate it, but would endeavour to recover the Penally incurred by Mr Hamerton, which his poor Family will have great need of, as I believe he has not left more than will barely pay his Debts.

These Letters will be delivered to Your Lordships by John Murray Esq., who informs me, that he goes to London to complain of Mr Hamertons usage of him & to lay

to

to recover of him a Large Sum of Money which he had drawn from him in London for an Appointment to the Office of Deputy Secretary, assuring him that it was vacant and that there was no incumberance whatever upon it, but when the Young Gentleman arrived here, he was greatly surprized to find that another person had been in that Office a year or two by virtue of a Mortgage executed by Mr Hamilton, Nine or ten years of which are yet unexpired.

I am with the greatest respect

My Lords

Your Lordships

Most Obedient and

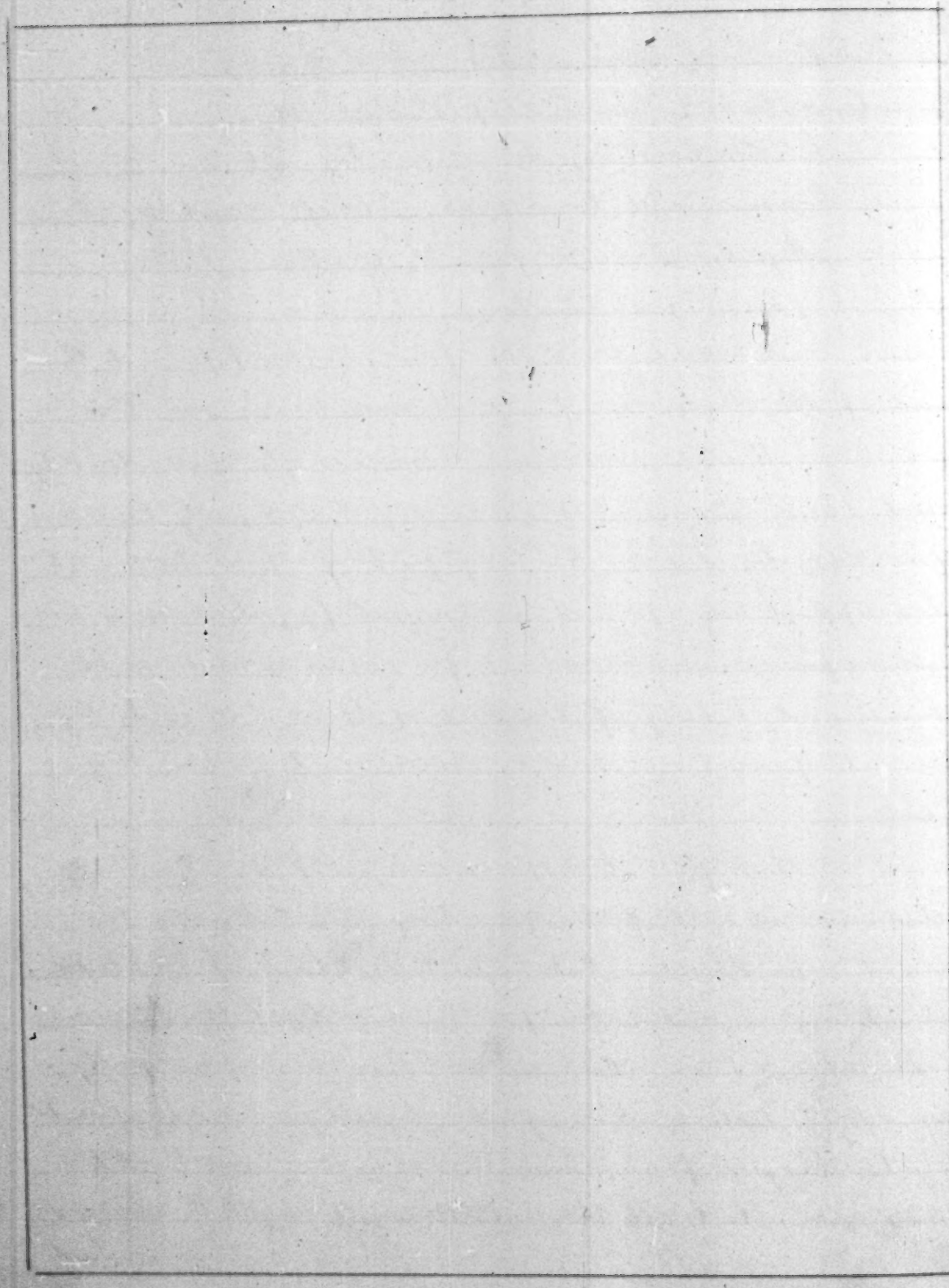
most humble Servt

James Glen

Augt 21th 1754

I have by this conveyance written very fully to the Secy of State upon the present State of affairs in Virginia. I communicated my Letters to the Council and am perswaded there is not one person in this Province that thinks differently from me.

Received 29 Oct
Read — 29 } 1754



B. P. R. O. South Carolina B. T. Vol 11 R100
(Inclosure to Govr Glens Letter of 21st Augt 1750)

To His Excellency James Glen Esquire Captain General Governor and Commander in Chief in and over His Majesty's Province of South Carolina.

May it please Your Excellency

The Settlers in the frontier Townships and the Rest of the Outparts of the Province having on their ordinary Musters and other Occasions often times desired that their common Deficiences might be humbly laid before the Legislature; We being part of those Settlers take this Opportunity of Your Excellency's happy Presence in our parts, upon renewed Instance, for ourselves, and in the Name and behalf of the Rest of those Settlers to beg leave to present our humble Address and Petition to Your Excellency.

And first to Express our Joy of Your Excellency's return in Health from Your long and faliguing Journey to the Cherokee Nation, and our Sense of Gratitude considering is undertaken for the Security of the Province from the Indians, which we are sensible is principally for our Protection, as being the nighest and most exposed to the dangers from them, Our Situation and Condition being such that all the Outsettlements might be unawares

Surrounded

Surrounded and cut off even by small Parties, as it is said has once happened in North Carolina, by want of precaution; for which reasons the Inhabitants in these Parts were not long ago in great Consternation when a Party of the Northern Indians killed the Cattle and Horses within the limits of Saxa Gotha & Orangeburgh leaving marks of defiance with them, and some actual murders were committed and some of the Cherokees committed Insolencies in the upper parts, killing Cattle, and Horses, cutting Corn down and Robing Houses, upon which the People began to leave their Houses, and to gather in several places, some proposing to leave the Province, and some were about to take a desperate Resolution to kill all the Indians they should find within the settlements, and so to begin an Open War with them. But your Excellency's Vigilency and Conduct, in timely quieting the Cherokees, and procuring a general Peace between all the Neighbouring Indians prevented all further mischief, and Your Excellency was pleased to assure us by a Letter directed to Mr Crell that you employ all what was in the Power and Interest of an English Governor for our Protection the People were greatly Comforted and Encouraged, and since that time we have actually lived without disturbance from the Indians, for the

the Securing of which blessing to us. Your Excellency have now ordered a Fort to be erected in the Cherokees which undertaking will be the more successfull and lasting as the head Men of the Nation have thought fit to desire it themselves, for to protect them against the Nations ill inclined towards who had brought them in a manner under subjection, and to keep their Young Men in Awe, not to Join and conduct them, as sometimes they did. And only to bring such a salutary design into Execution, Your Excellency have imposed Your own Person & Health, to the fatigues & hardships, of such a Long and Difficult Journey through the Wildernesses which no Private Gentleman would undertake on his own behalf without being Compelled thereto by great necessitys, Your Excellency shewing thereby that, that Sentence, so worthy of you, Lately by you uttered viz: That a rational Man must not confine his views & cares within the narrow Compass of his Own self, is not a meer Philosophical Problem with Your Excellency, but a true principal of your actions. We therefore being encouraged by those considerations, & being Confident that from a People who live, as it were, remote from the Conversation of the Polite World, and are obliged to spend all their time in the Cares of human Life, Your Excellency will

will not expect a Discourse Conceivd & Expressed According to the Rules of an requisite Rhetoric, as the theme would require, but will generously accept of the sincerity of our Hearts, Presume to offer Your Excellency Our Humble Acknowledgment with Deepest Sense of Gratitude, of Your Excellency's Paternal care for Our Preservation & tho it is not in our Power, to afford any real Assistance, but must Consider ourselves only Passive therein; Yet as we do not doubt, but your Zeal for his Majestys Service will be approved by our most Gracious Sovereign, so we have also just hopes that the Public will assist and support Your Excellency in Your Laudable Endeavours for the Promotion of the Security and Welfare of this Province.

And As we remembered that Your Excellency in One of Your Patriotic & much applauded speeches to the General Assembly, did intimate, that this time, wherein God had pleased to Grant a General Peace to all Europe, was the most proper to improve the domestic Concerns and oeconomy of the Province, which peace, by the goodness of the Almighty Appears to be a lasting One, and as also the distress, caused by the Commotions of the Elements last year seems to be retrieved by the blessings of the Almighty, who wounds in his Justice & heals

heals in his Mercy, having even then rebuked the waves in the height of their fury; for which the whole Province humbled her self with thanksgivings Pursuant to Your Excellency's truly Pious Proclamation Issued for that Purpose, and as a Christian People is Sensible that Our Submission Confers nothing to God, but that he will Accept the same, when we extd Our gordness & Charitable cares upon the Poor & needy; We are the more encouraged humbly, tho but briefly to lay before Your Excellency the most Pressing difficullys we Labour under. and first

We beg leave to present, that the far greatest Majority of the Settlers in those parts, are a Conflux Out of several Nations, of the Porrest, undisciplined & ignorant sort of mankind, not used to Liberty, being therefore apt to injure each other and live without Instruction & die without Comfort, with the dismal Prospect if not Remedid, that the next Generation will fall under extreme barbarity and Dissolution of manners for want of Church Ministry & Schools; & that in the Second Place the Great distance from the Courts, & the Peoples Poverty, depriveth them in great measure, of the benefits & Protection of the Laws & Exposeth the weak to the Oppression of the strong, even by abuse of

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the Laws in litigious Suits for a Defendant who cannot get bail or means to fee a Lawyer, must comply with the terms of his Party.

We further beg Leave to Represent, that a great Number of Poor foreigners lately come over, when the fund for Schooling them was Exausted, & therfore were detained in Town, before they could receive Part of the Provision bounty & get carriage for them and their Stuff; and as they came on Shore, tired of the long & uncustomed voyage at Sea and having their heads filled with great Expectations, they Spent what they had, together with the first half Part of their Provision bounty Moneys, several also were obliged to Assign the same to the Owners of the Ships for their freights; so that they come up amongst us with a Store for sickness, laid up by intemperance, and with empty Purses, not being able to Settle their Lands and improve the same without further supply; which as they are not to receive, before they are Actually Settled the old Settlers are like to be Overburthened with them, which inconveniently still increaseth, by many Widows & Orphans being left by those who died, indebted to those who supplied them with Necessarys. in Expectation to be repaid out of their Provision bounty;

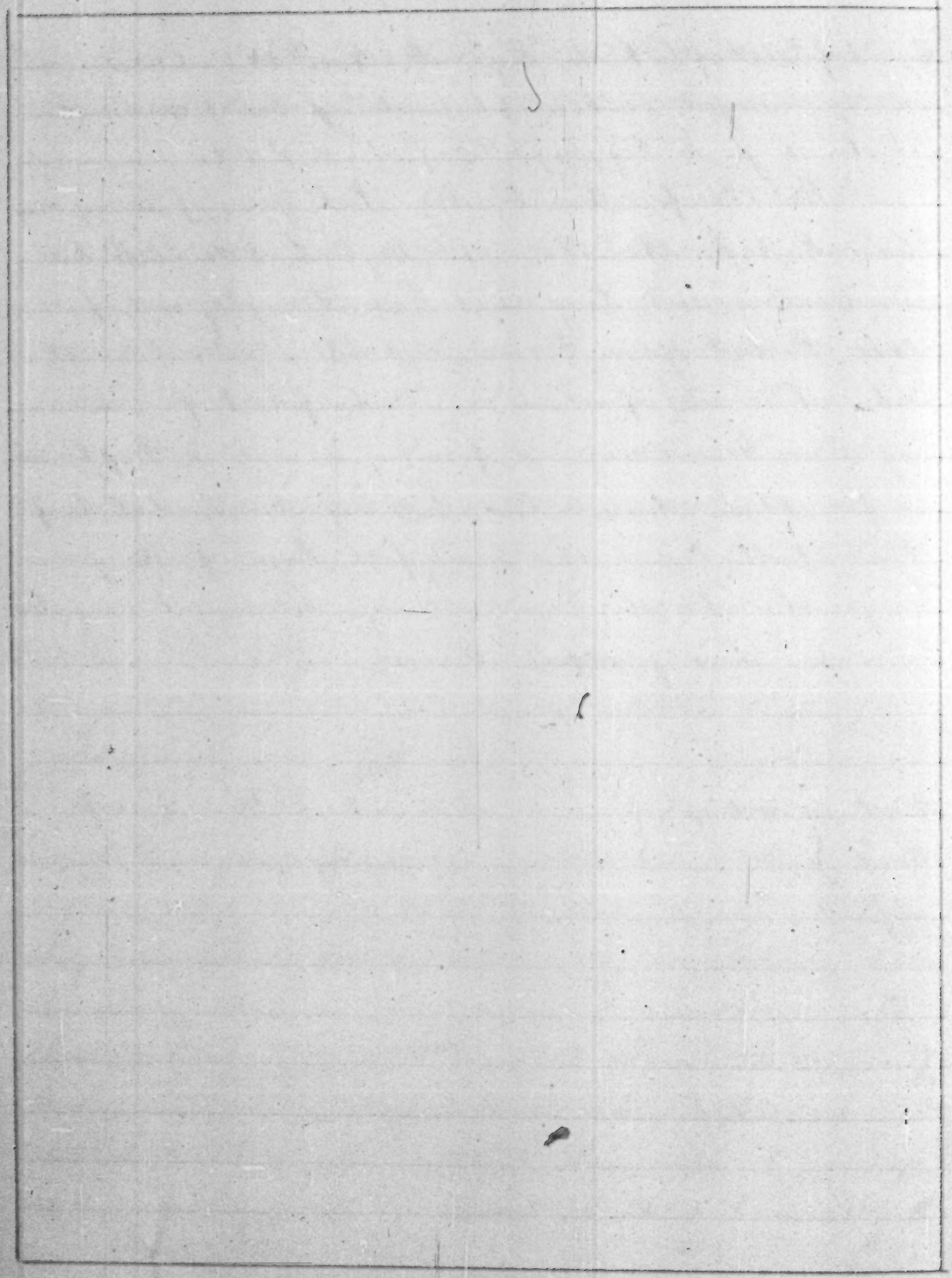
by

by default of which Payment those Old Settlers are greatly annoyed, & the Orphans being deserted, must Perish or go a begging.

We therefore humbly beg that Your Excellency may Please to take the State of the Out Settlements into Consideration, and Pray that God Almighty will further Protect Your Person, and bless Your Counsel and endeavours (of which we are Confident) for redressing Our Grievances, and forming us into a People; so so far that whenever Our Posterity, to the latest of them shall Praise the bountyfull Reign of King George the Second, Your Excellency's Government may also Occur to their greatfull Memory.

Recd 29 Oct 1750
Read Do

Recd with Mr Glen's Let of 21 Aug 1750



B P R O South Carolina B T Vol 18 F 101

(15th January 1704)

(Inclosure to Govr Glen's Letter of 21st Augt 1704)

The South Carolina Gazette (Numb 1023) from Tuesday January 15th to Tuesday 22nd 1704 (Printed)

Receed 29th Oct 1704
Read Do

Read with Mr Glen's Let of 21 August 1704

B P R O South Carolina B T Vol 11 K 102

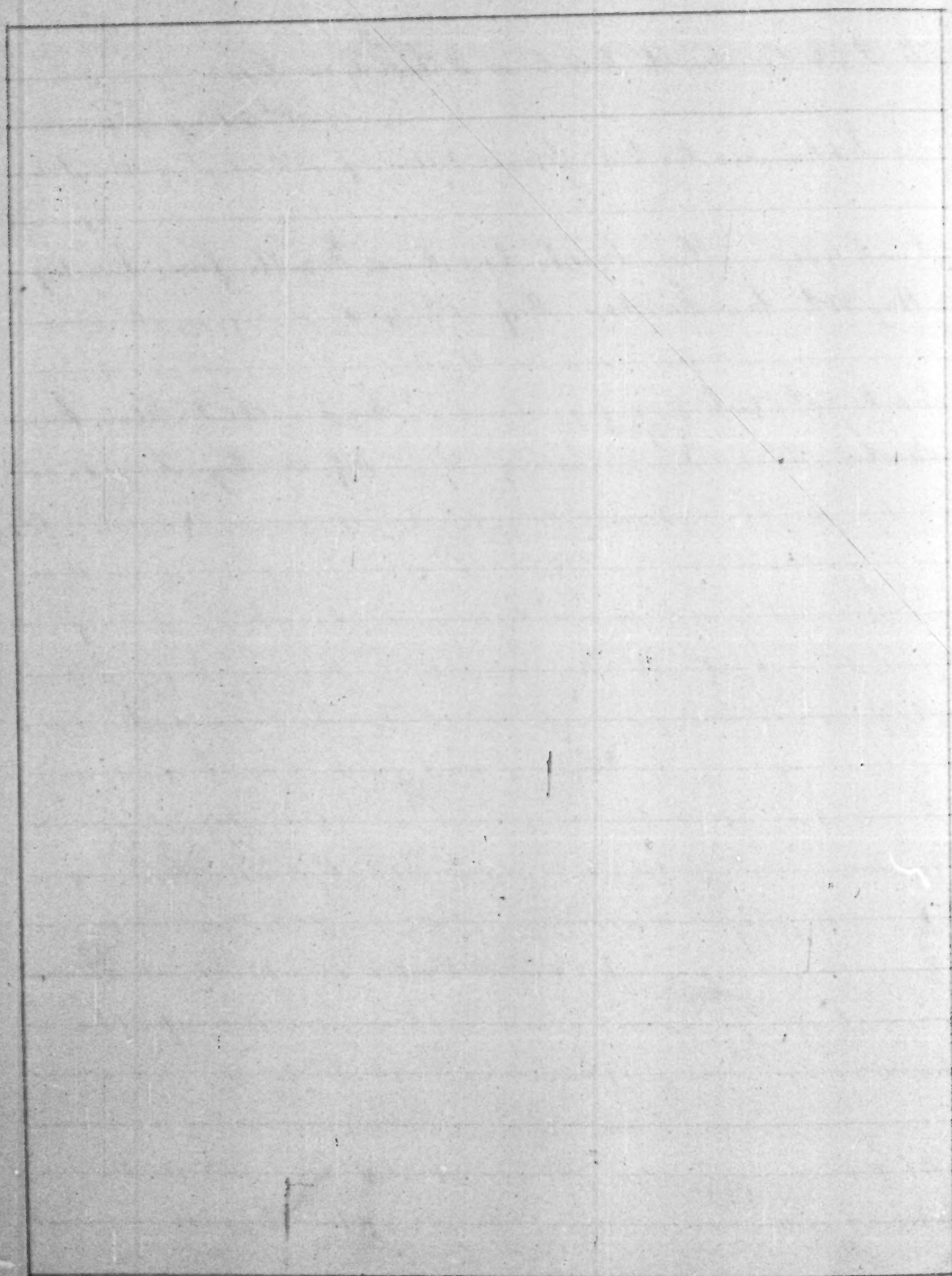
(21st May 1724)

(Inclosure to Gov. Glen's Letter of 21st. Aug.t 1724) (No 45)

(Numb 1041) The South Carolina Gazette from Tuesday May 21st to Tuesday May 28th 1724

Receed 29th Oct.r 1724
Read Do

Read with Mr Glens Lre of 21 August 1724



B P R O South Carolina B.T. Vol 27 p 421

(21st November 1734)

To Nicholas Harding Esqr

Sir

Your Letter of the 12th Instant relating to Mr Bosomworth's Petition has been laid before the Lords Commissioners for Trade & Plantations, and I am directed by their Lordships to desire you will acquaint the Lords Commissioners of His Majesty's Treasury, that although their Lordships are at all times desirous of giving their Sentiments and opinion upon all matters wherein they are enabled to give it, yet, as the appointment of Mr Bosomworth to be Agent for Indian Affairs in Georgia and South Carolina, was a Transaction, of which their Lordships have not had any knowledge or Intimation, and as this Affair appears to have been already under the Consideration of His Majesty's Secretary of State, & directions have been given upon it, their Lordships apprehend they cannot properly enter into a Consideration of the case, or give any Opinion upon it.

I am Sir

Your most Obedt humble Servt

John Poyntall

Whitehall
Nov. 21 1734

B P R O South Carolina B T Blotter Rec'd

12th December 1720

To The Right Honble The Lords Commissioners of Trade & Plantations

The Memorial

of James Crokatt Agent for the Province of South Carolina.

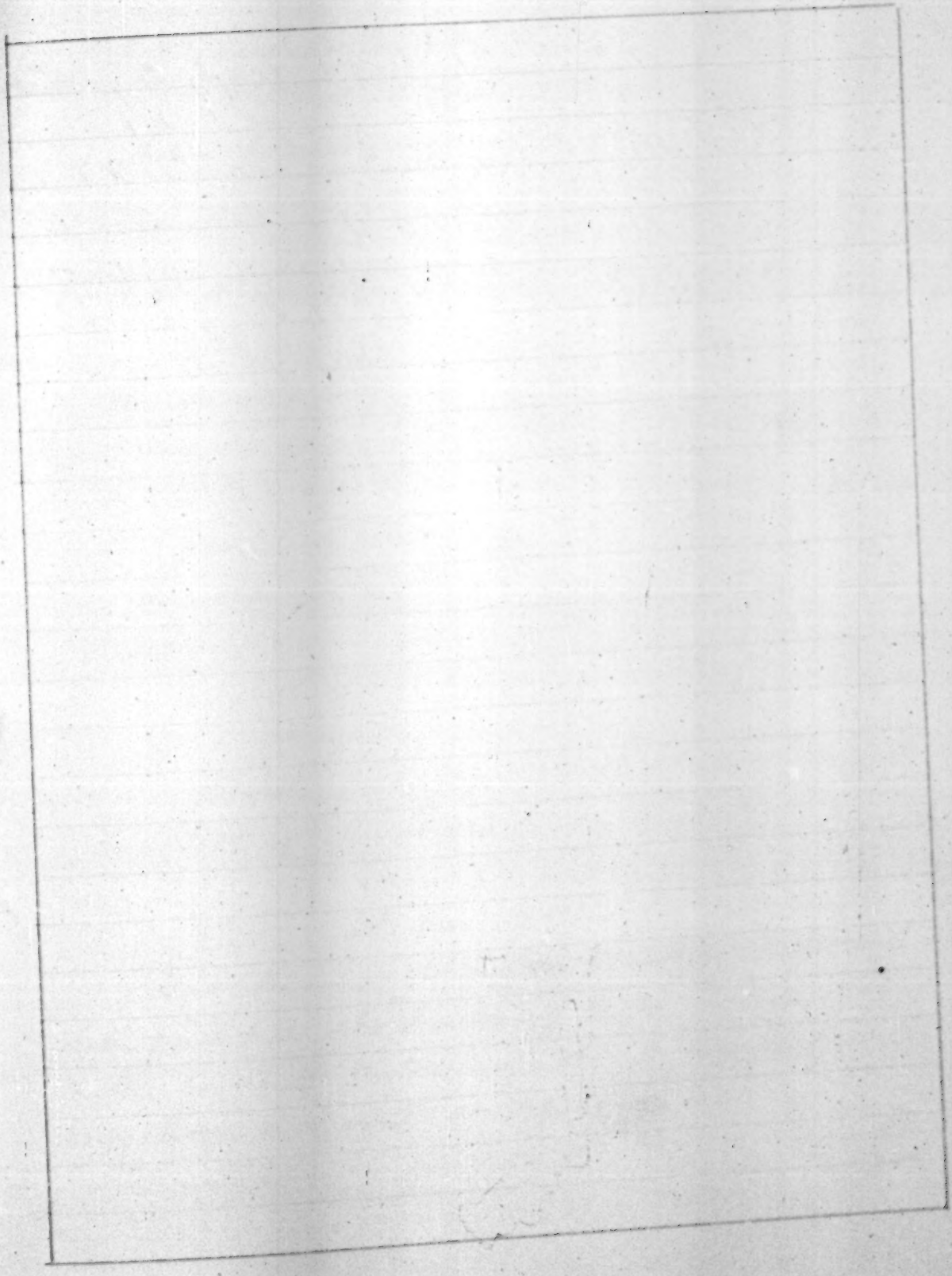
Your Memorialist humbly begs Leave to inform Your Lordships That when General Nicholson was Governor of South Carolina a Commission was granted by His Majesty King George the First, appointing the said Governor, Several of His Majesty's Council & others therein named, Judges for Trying & determining all offences of Piracy committed on the High Seas, in Consequence whereof Several Courts were held & some of the most notorious Pirates in America found Guilty.

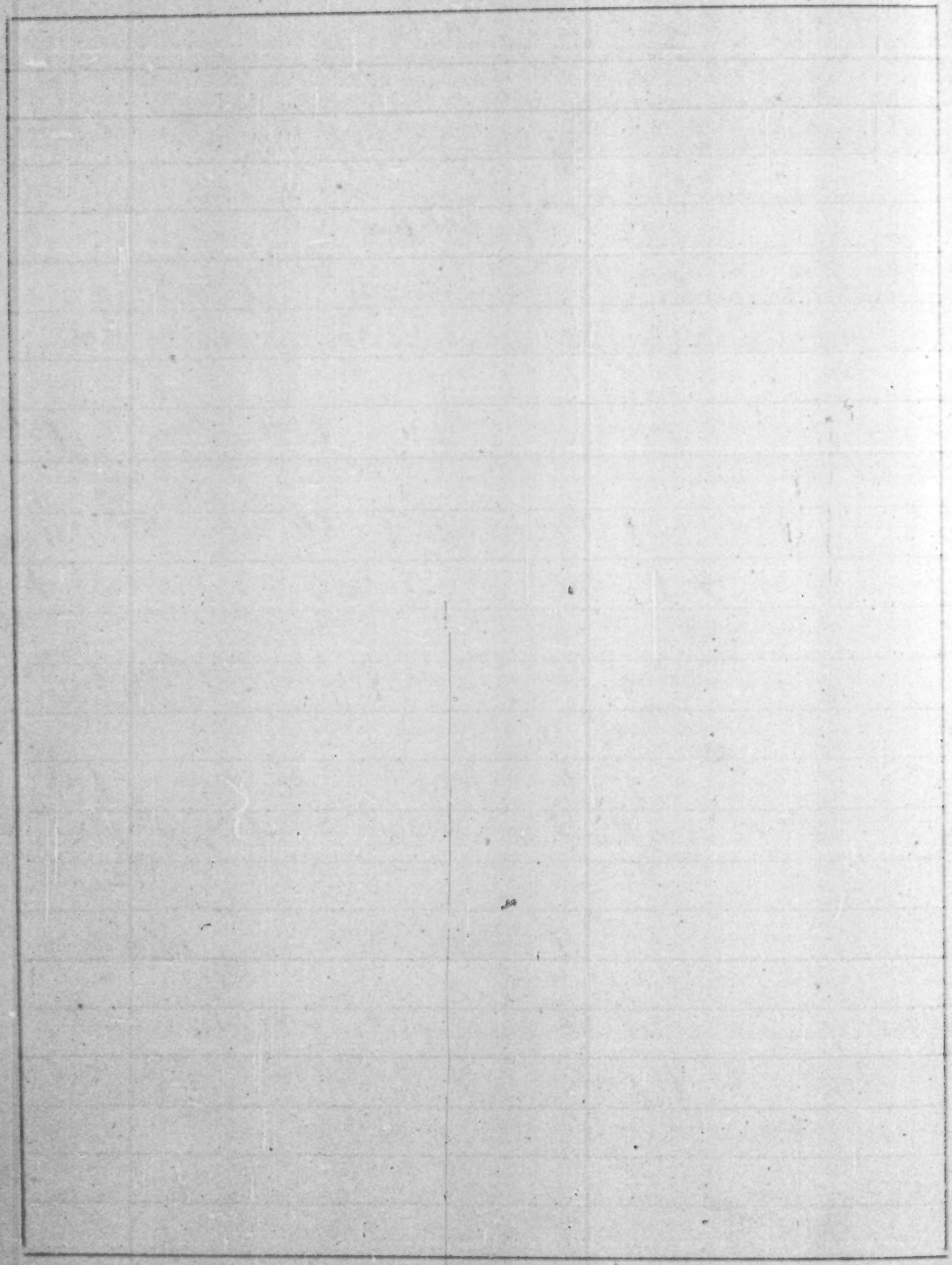
That since His Majesty purchased of the Proprietors the Province of South Carolina, no such Commission has been Issued & of Course there is no Authority in that Province to take Cognizance of Offences Committed out of its Boundaries, whereby arises a great inconveniency expence & Trouble as well as delay of publick Justice, in Sending every Criminal to be Tryed in some neighbouring Province

Your

Your Memorialist therefore humbly Prays that Your Lordships will be pleased to take the Matter into Consideration & Recommend to His Majesty the Expediency of a Commission to Authorize the holding of Courts in South Carolina for the Tryal of Piracy & other Offences Committed on the high Seas &ca

Recd Decbr ye 12th } 1704
Read April 29 } (1705)





1755

B. P. R. O. Journals B T Vol 63.

Whitehall 7th January 1755

At a Meeting of His Majestys Commrs for Trade & Plantations

Present

Earl of Halifax

Mr Pitt, Mr Oswald, Mr Jane, Mr Edgcumbe

. . . . . .

The Secretary laid before the Board the following Papers received from the Secretary of the Province of South Carolina viz.t

Journal of Proceedings of the Upper House of Assembly from the 21st of Febry 1753 to the 9th of Febry 1754.

Journal of the Council from the 1st of Novemr 1752 to the 14th of December 1753

Journal of the Upper House of Assembly from the 7th of March 1752 to the 21st of April 1753.

. . . . . .

8th January 1755

Their Lordships took into Consideration several Acts passed in the Province of South Carolina relative to the Courts of Justice and the Methods of proceeding therein and made some progress.

. . . . . .

23rd January 1755

The Draught of a Representation to His Majesty proposing William Henry Littelton Esqr to be Governor of South Carolina in the room of James Glen Esqr having been prepared was agreed to transcribed and signed

28th January 1755

Read an Order in Council dated the 23d of January 1755, approving a Representation of this Board to His Majesty recommending William Henry Littelton Esqr to be appointed Governor of South Carolina in the room of James Glen Esqr and directing this Board to prepare the Draught of a Commission and Instructions for the said William Henry Littelton for His Majesty's Approbation.

Ordered that the Secretary do transmit a Copy of the said Order to Mr Glen Governor of South Carolina.

The Draught of a Commission constituting and appointing William Henry Littelton Esqr to be Captain General and Governor in Chief of His Majesty's Province of South Carolina having been laid before the Board was agreed to, and the Draught of a Representation to His Majesty inclosing the same having been prepared was

agreed

agreed to transcribed and signed.

. . . . . .

18th Febuary 1755

The Secretary laid before the Board the two following Orders in Council viz.t

. . . . . .

Order of Council dated the 6th of Febry 1755 approving a Representation of this Board to His Majesty with the Draught of a Commission for William Henry Lyttelton Esqr to be Captain Genl and Governor in Chief of South Carolina and directing this Board to cause a Warrant to be prepared in the usual manner in order to pass the said Commission under the Great Seal and lay the same before His Majesty

The Draught of Representations to His Majesty with the usual form of a Warrant in order to pass the said Commissions under the Great Seal having been prepared were agreed to transcribed and signed

. . . . . .

20th Febuary 1755

Their Lordships took into Consideration the State of His Majesty's Province of South Carolina more particularly with respect to the Courts of Justice and Methods

Methods of proceeding therein, and also with respect to the Constitution, Powers and Privileges of the Assembly, and it appearing to their Lordships that several of the Laws for establishing the principal Courts of Justice and which regulate the Proceedings of the Assembly were in many parts defective improper & inconsistent with the Rights and Prerogative of the Crown, it was resolved that it be recommended to Mr Lyttelton upon his arrival in his Government to lay the particular Objections arising to these Laws before the Council & Assembly in order that the same may be remedied in such manner as shall be thought most adviseable and that he be directed to take care that the Rules and Methods of proceeding in the Courts of Law and Equity be as near as may be agreable to the Rules and Methods of proceeding in the Courts of Law an Equity in Great Britain.

. . . . . .

15th April 1755

Read a Letter from Charles Pinckney Esqr one of the Council of South Carolina to Mr Pownall dated the 6th of July 1754 inclosing a Memorial to the Board relating to the Boundary Line between South

&

& North Carolina & quieting the Catawba Indians in their Settlements dated June the 29th 1754.

. . . . . .

17th April 1755

Their Lordships took into Consideration the Draught of General Instructions and of those relating to the Acts of Trade & Navigation for William Henry Lyttelton Esqr Governor of South Carolina and the same having been agreed to were ordered to be transcribed, and the draught of a Representation to his Majesty thereupon to be prepared.

. . . . . .

22nd April 1755

The Draughts of Representations to His Majesty with the Draughts of general Instructions and of those which relate to the Observance of the Acts of Trade and Navigation for the Governors of New York and South Carolina having been prepared pursuant to the Minutes of the 17th & 18th instant were laid before the Board agreed to and signed.

. . . . . .

The following Representations to His Majesty and Letter to the Secretary of State were agreed to and Signed.

Letter

. . . . . .

Letter to Sir Thomas Robinson one of His Majesty's Principal Secretaries of State desiring him to move his Majesty that Mr Joseph Stephenson may be appointed Naval Officer of South Carolina, and inclosing the Draught of a Warrant for His Majesty's Signature, directing the said Appointment.

. . . . . .

29th April 1755

Read a Memorial of Mr Crokatt Agent for South Carolina for obtaining a Commission for trying of Pirates in South Carolina.

Ordered that the Secretary do give Notice to Mr Crokatt to attend the Board on Thursday Morning next at Eleven o'Clock.

. . . . . .

1st May 1755

Their Lordships took into Consideration several Laws passed in the Province of South Carolina since the year 1721 relative to the Constitution of the Courts of Justice & of the Assembly & to the Province Quit Rents & Trade of that Province, to the end that proper Directions might be given to the Governor upon these Points before his Departure for his

his Government.

Ordered that the Draught of a Representation to their Excellencies the Lords Justices be prepared proposing the Repeal of an Act passed in the Province of South Carolina in 1735 Entitled

An Act for easing the Port Charges to coasting Vessels entering into and cleaning out from Port to Port within this Province; And to prevent any impotent, lame or infirm person or persons being imported, brought to, or landed in any part within this Province, who shall be likely to become burthensome or be a Charge to the Publick.

. . . . . .

2nd May 1755

Their Lordships made a further Progress in the Consideration of the Laws passed in the Province of South Carolina since the year 1721 mentioned in the preceding Minutes.

Read Sir Mathew Lambs Report upon An Act passed in the Province of South Carolina in May 1754 Entitled

An Act for incorporating Charles Town Library Society

Ordered

Ordered that a Draught of a Representation to their Excellencies the Lords Justices be prepared proposing the Confirmation of the said Act.

Ordered that the Secretary do transmit Copies of the two following Acts passed in the Province of South Carolina to the Commissioners of His Majestys Customs for their Opinion thereupon viz.t

An Act for the Entry of Vessels, pass'd the 8th. of October 1691

An Addition and Explanatory Act to An Act for the Entry of Vessels. Passed the 18th. of December 1739.

\- - - - - - - - -

8th. May 1755

The Draught of a Representation to their Excellencies the Lords Justices proposing the Repeal of an Act passed in South Carolina relating to Port Charges having been prepared pursuant to the Minutes of the 1st. instant was agreed to and ordered to be transcribed.

The Draught of a Representation to their Excellencies the Lords Justices proposing the Confirmation of An Act passed in South Carolina relating to the Charles Town Library Society having been

prepared

prepared pursuant to the Minutes of the 2d instant was agreed to and ordered to be transcribed.

. . . . . .

9th May 1755

The Draught of a Representation to their Excellencies the Lords Justices proposing the Repeal of An Act pass'd in South Carolina relative to Port Charges having been transcribed pursuant to Yesterday's Minutes was signed.

The Draught of a Representation to their Excellencies the Lords Justices proposing the Confirmation of An Act pass'd in South Carolina relative to Charles Town Library Society having been transcribed pursuant to Yesterday's Minutes was signed.

. . . . . .

Read the following Copies of Orders in Council viz

. . . . . .

Copy of an Order in Council dated the 6th of Febry 1755 approving a Representation of this Board with a Warrant for passing a Commission for William Henry Lyttelton Esqr to be Governor of South Carolina.

. . . . . .

27th May 1755

Ordered

Ordered that the Draught of a Representation to their Excellencies the Lords Justices be prepared proposing that James Michie Esq.r be appointed of the Council of South Carolina in the room of William Bull Esq.r deceased.

Ordered that the Secretary do write to M.r Middleton one of the Council for South Carolina now residing in England, and desire to know whether he has any Intentions of returning to that Province

. . . . . .

28.th May 1765

The Draught of a Representation to the Lords Justices proposing that James Michie Esq.r may be appointed of the Council of South Carolina in the room of William Bull Esq.r deceased having ben prepared pursuant to the Minutes of Yesterday was agreed to transcribed and signed.

. . . . . .

Ordered that the Secretary do write to M.r Lyttelton and acquaint him that the Board is desirous of having some Conversation with him upon the Affairs of the Province of South Carolina and desire his Attendance to Morrow Morning at Eleven o'Clock

. . . . . .

29.th

29th May 1755

Mr Lyttelton Governor of South Carolina attend. as desired was called in, and their Lordships had some Conversation with him upon the State of that Province more particularly with respect to the Law relating to Courts of Justice, the Assembly and the Revenue, and their Lordships stated to him the several Defects of those Laws & recommended to him to use his utmost Endeavours to get them amended and then he withdrew.

. . . . . .

24th June 1756

Read an Order of the Lords Justices in Council dated the 24th of June 1755 approving a Representation of this Board recommending James Michie Esqr to be appointed of His Majesty's Council in the Province of South Carolina in the room of William Bull Esqr deceased. And directing the Board to cause Warrant to be prepared for that purpose and lay the same before the Lords Justices.

. . . . . .

1st July 1756

Read a Letter from Mr Middleton, one of the Council of South Carolina, dated the 17th of June

1756

1755, acquainting the Board with the Resignation of his Seat in the Council of that Province

Ordered that the Draught of a Representation to the Lords Justices be prepared, purposing that Othniel Beal Esqr may be appointed of His Majestys Council in that Province in the room of Mr Middleton.

. . . . . .

3rd July 1755

The Draught of a Representation to the Lords Justices proposing that Othniel Beal Esqr may be appointed of the Council of South Carolina in the room of William Myddleton Esqr who has resigned. having been prepared pursuant to the Minutes of the 1st instant was agreed to transcribed and signed

. . . . . .

11th July 1755

Read a Letter from Mr Wood Secretary to the Commissrs of His Majestys Customs dated the 11th July 1755 in answer to one from Mr Pownall with Copies of two Acts passed in the Province of South Carolina relating to the Entry of Vessels

. . . . . .

Read the following Copies of Orders in Council viz.

. . . . . .

Copy

Copy of an Order of Council dated the 24th of June 1735 approving a Representation of this Board to the Lords Justices proposing the Repeal of an Act passed in the Province of South Carolina in 1735 for easing the Port Charges to Coasting Vessels entring and clearing in that Province.

Copy of an Order of Council dated the 24th of June 1735 approving a Representation of this Board to the Lords Justices proposing the Confirmation of An Act passed in the Province of South Carolina in May 1734 for incorporating the Charles Town Library Society.

Copy of an Order of Council dated the 24th of June 1735 approving a Warrant prepared by this Board directing William Henry Lyttelton Esqr. Governor of His Majesty's Province of South Carolina to swear and admit James Michie into the Council of that Province in the room of William Bull Esqr deceased.

Copy of an Order of Council dated the 13th of May 1735 approving the Draughts of General Instructions as also of those relating to the Acts of Trade prepared by this Board for William Henry

Henry Lyttelton Esq. Governor of South Carolina.

. . . . . .

17th July 1755

Read a Letter from James Glen Esq. Governor of South Carolina to the Board dated the 29th of May 1755, Tranomitting the following Publick Papers viz.

South Carolina Printed Gazette of the 21st of Novr 1754

South Carolina Printed Gazette of Thursday Janry 30th 1755

Copy of Mr Glen's Speech to the King of the Catawbaws & some of his Headmen & Warriours that were lately in that Province.

Copy of a Letter from Mr Glen to the Sachems of the six Nations

Copy of a Letter from Mr Glen to Mr Dinwiddie Lieut Governor of Virginia dated in Janry 1755.

. . . . . .

12th August 1755

Read an Order of the Lords Justices in Council dated the 12th of August 1755, approving a Representation from this Board proposing Othniel Beal Esq. to supply a Vacancy in the Council of South Carolina

by

by the Resignation of William Middleton Esq.r & directing the usual Warrant to be prepared.

. . . . . .

9th October 1755

Their Lordships having been informed that William Henry Lyttelton Governor of South Carolina was attending without he was called in and acquainted the Board that on the 13th. of August last, being on his Voyage for South Carolina on board his Majestys Ship the Blandford she fell in with and was taken by a Squadron of French Ships of War under the command of Mons.r de Guay and that he thought it adviseable upon this Occasion to throw overboard his Instructions and other Papers which he had received from this Office.

Ordered that the Draughts of Gen.l Instruct-ions and of those which relate to the Acts of Trade and Navigation for Mr. Lyttelton be forthwith prepared to be laid before His Majesty in Council and that a Draught of a Representation to His Majesty thereupon be likewise prepared

Their Lordships then acquainted Mr Lyttelton that it did appear to them that his speedy Departure for his Government would in the present Situation of

Affairs

Affairs be of very great Consequence to His Majestys Service, and press'd him to repair thither as soon as possible which he acquainted their Lordships he certainly should do and then withdrew.

. . . . . .

The following Letters and Papers received during the late Adjournment of the Board were laid before their Lordships and read viz.t

. . . . . .

Copy of an Order of the Lords Justices in Council dated the 12th of August 1755, approving a Warrant prepared by this Board requiring William Henry Lyttelton Esq.r Gov.r of South Carolina to Swear & admit Othniel Beal Esq.r to be of the Council of the said Province.

. . . . . .

29th October 1755

Their Lordships took into Consideration a Draught of General Instructions for the Governor of South Carolina prepared pursuant to the Orders of the 9th instant, and some Words were added to the 17 Article relating to the laying out Lands in Townships, impowering him to grant such Lands as shall remain ungranted in the Nine Townships directed

to

to be laid out by the late Governors Instructions with an Exemption from the payment of Quit Rents for ten Years.

. . . . . .

31st October 1755

The Secretary laid before the Board Draughts of General Instructions and of those relating to the Acts of Trade and Navigation prepared for Mr Lyttelton Governor of South Carolina pursuant to their Lordships Order, which Draught was agreed to and ordered to be transcribed, as also the Draught of a Representation to His Majesty thereupon.

. . . . . .

4th November 1755

The Draught of a Representation to His Majesty with Draughts of General Instructions & of those relating to the Acts of Trade and Navigation for Mr Lyttelton Governor of South Carolina, having been transcribed pursuant to their Lordships Order was laid before the Board and signed

. . . . . .

2nd December 1755

Representations to His Majesty proposing that Middleton Esqr may be appointed of the

the Council in the Province of South Carolina. .....
. . . . . .

B.P.R.O. So Carolina B.T. vol. 27. p. 450

(23 Jan. 1755.)

To the King's most Excellent Majesty.

May it please your Majesty.

your Majesty having been graciously pleased by Commission under the Great Seal of Great Britain, to Authorize and impower Us, as often as occasion shall require, to consider of proper Persons to be Governors or Deputy Governors in your Majesty's respective Plantations, in order to present their Names to your Majesty in Council; and Your Majesty having been also pleased, by Your Order in Council of the 11th day of March 1752, to direct Us from time to time to present unto Your Majesty in Council, for Your Majesty's Approbation, the Name or Names of such Person or Persons as We should from the best of Our Judgments and Information, think duly qualified to be Governors or Deputy Governors in your Majesty's Plantations, We think it our Duty, in obedience to Your Majesty's Commands, humbly to propose, that William Henry Lyttleton Esqr may be appointed Captain General & Governor in Chief in and over Your Majesty's Province of South Carolina in America, in the room of James Glen Esqr, the

said

said William Henry Lyttleton appearing to Us to be every way qualified to serve Your Majesty in that Station.

Which is most humbly submitted

Dunk Halifax
J. Pitt
J. Grenville
Rd. Edgcombe
T. Pelham.

Whitehall
Jany. 23. 1755

B.P.R.O. S. Carolina B.T. Vol 24 p. 452.

(28 Jan. 1755)

To James Glen Esqr.

Sir,

I am directed by the Lords Commissioners for Trade & Plantations to send you the inclosed Copy of His Majesty's Order in Council of the 23d Instant, directing that William Henry Lyttleton Esqr be constituted and appointed Captain General and Governor in Chief of the Province of South Carolina.

I am
Sir
Your most Obed. Sert.
John Pownall

Whitehall
Jany. 28. 1755

B.P.R.O. So Carolina B.T. Vol. 18. K. 103.

(23 Jan. 1755.)

At the Court at St James's
the 23d day of January 1755
Present
The King's most Excellent Majesty
in Council

Upon reading this day at the Board, a Representation from the Lords Commissioners for Trade and Plantations, recommending William Henry Lyttleton Esqr as a proper Person to be appointed Captain General and Governor in Chief of His Majesty's Province of South Carolina in America, in the room of James Glen Esqr - His Majesty in Council approving thereof is pleased to order, as it is hereby ordered, that the said William Henry Lyttleton Esqr be constituted and appointed Captain General and Governor in Chief of His Majesty's said Province of South Carolina in the room of the said James Glen - And that the said Lords Commissioners for Trade and Plantations, do prepare a Draught of a Commission and Instructions for the said William Henry Lyttleton, and lay the same before His Majesty at this Board, for his Royal Approbation

bation.

W. Sharpe

Read Jan^y 27^th^
Read 28^th^ } 1755

B.P.R.O. So Carolina B.T. Vol 27 p. 453.

(28 Jan. 1755)

To the King's most excellent Majesty

May it please your Majesty

In obedience to Your Majestys order in Council dated the 23rd inst. We have prepared the draught of a Commission for William Henry Lyttleton Esquire to be Captain General & Governor in Chief of Your Majesty's Province of South Carolina in America; which being in the usual form, We herewith humbly lay the same before Your Majesty and shall prepare the necessary Instructions for him with all possible dispatch.

Which is most humbly submitted

Dunk Halifax

J. Pitt

Whitehall
Janry 28. 1755.

James Oswald
R. Edgcumbe

J. Grenville

vide Mr Glen's Commission

B.P.R.O. So Carolina B.T. Vol 18. K. 107.

(29 Jan. 1755.)

To the Right Honoble The Lords Commissioners for Trade and Plantations.

My Lords.

In pursuance of Your Lordships Commands signified to me by Mr Pownall's Letter wherein you are pleased to desire my Opinion in point of Law upon the following Act passed in South Carolina in May 1754. I have perused and considered the same. (Virt.)

An Act for Incorporating the Charles Town Library Society.

This Act is for Incorporating a Society and I have no Objection thereto in Point of Law there being a Clause suspending the Execution of it until the same be approved of

and am
My Lords
your Lordships
Most Obedient
Humble Servant
Mat. Lamb

Lincolns Inn
29th January 1755.

Recd Feb 4th
Read May 2
1755.

B. P. R. O. So. Carolina B. T. Vol. 18 N. 104

(6 Feb. 1755.)

At the Court at St. James's
the 6th day of February 1755.
Present
The King's most Excellent Majesty
in Council

Whereas there was this day read at the Board a Representation from the Lords Commissioners for Trade and Plantations, together with the Draught of a Commission, prepared by them for William Henry Lyttleton Esqr to be Captain General and Governor in Chief of His Majesty's Province of South Carolina in America - And it appearing by the said representation that the said Draught of a Commission is drawn in the usual Form - His Majesty was pleased, with the advice of His Privy Council, to approve thereof, and to Order, as it is hereby Ordered, that the said Lords Commissioners for Trade and Plantations, do cause a Warrant to be prepared in the usual manner, for passing the said Commission, under the Great Seal - and lay the same before His Majesty at this Board.

W. Sharpe.

Read Febs - }
Read - 18th } 1755.

B.P.R.O. So Carolina B.T. vol. 18 H. 108.

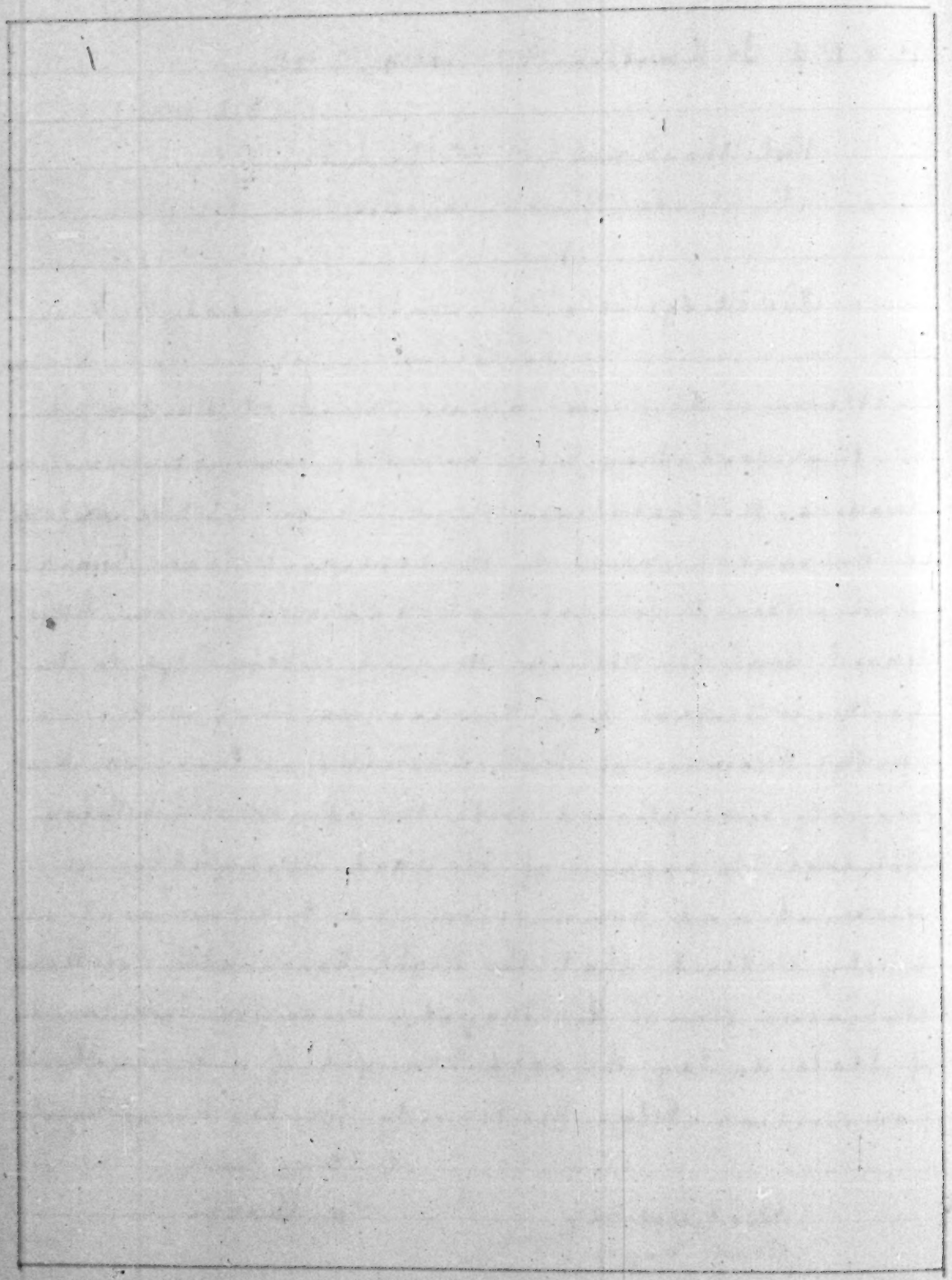
(6 Feb. 1755.)

At the Court at St James's
the 6th day of February 1755
Present
The Kings most Excellent Majesty
in Council.

Whereas there was this day read at the Board a Representation from the Lords Commissioners for Trade and Plantations, together with the Draught of a Warrant prepared by them pursuant to an Order of this Board, for passing a Commission under the Great Seal for William Henry Lyttleton Esqr to be Captain General and Governor in Chief of His Majestys Province of South Carolina in America His Majesty was pleased with the advice of his Privy Council, to approve of the said Draught of a Warrant and Commission, and to Order as it is hereby Ordered, that the Right Honourable Sir Thomas Robinson, One of His Majesty's Principal Secretarys of State, do lay the said Draught of a Warrant and Commission before His Majesty for His Royal Signature

A true Copy
W. Sharpe

Recd Apl 28
Read May 9 } 1755.



B P R O. So Carolina B T vol 27 p. 454.

(6 Feb 1755.)

To the Kings most Excellent Majesty

May it please Your Majesty.

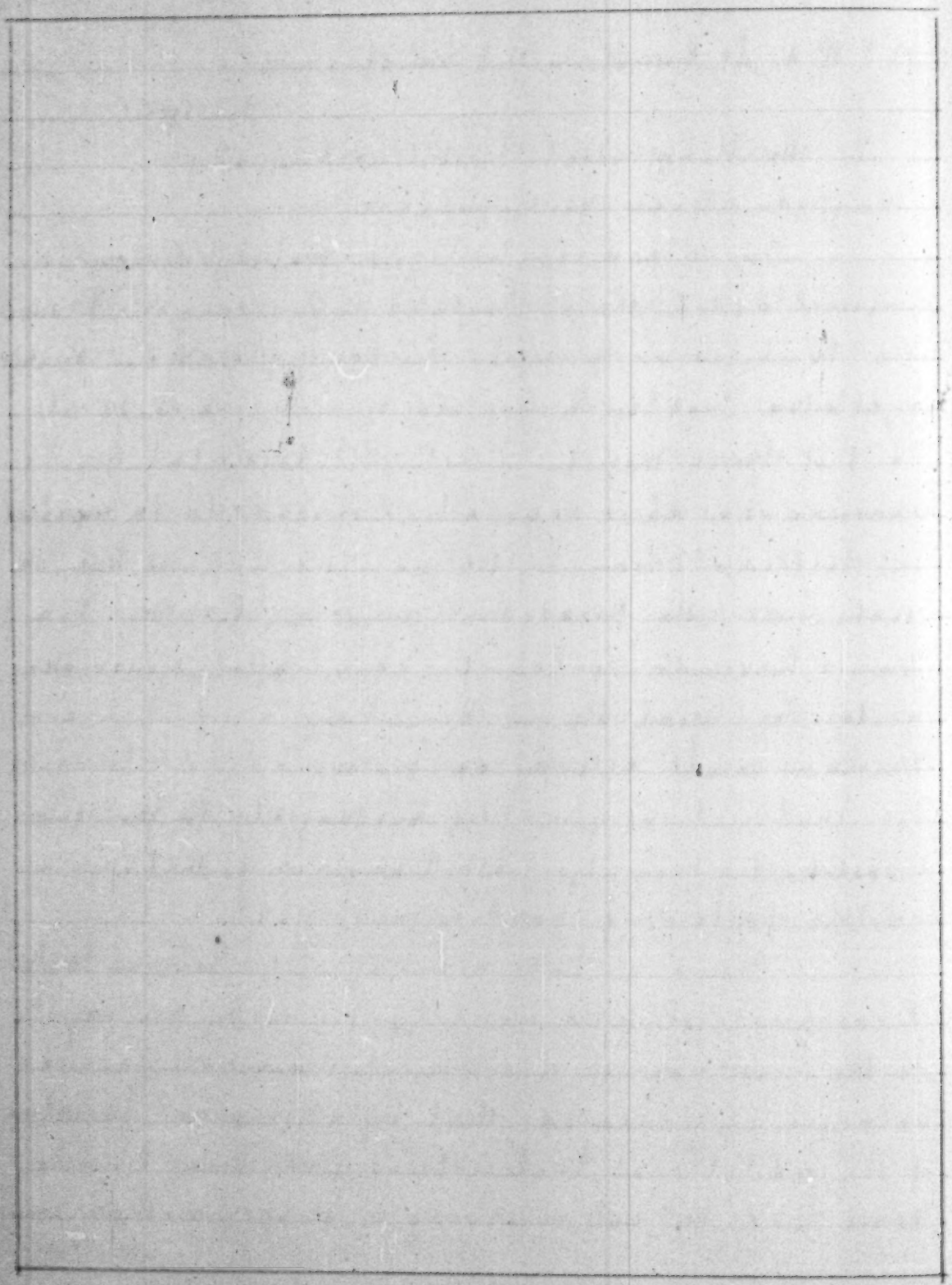
In Obedience to Your Majesty's Order in Council dated the 6th Instant, approving the Draught of a Commission prepared by Us for William Henry Lyttleton Esqr to be Captain General & Governor in Chief of Your Majesty's Province of South Carolina in America, We have caused a Warrant to be prepared in the usual manner for passing the said Commission under the Great Seal; and we humbly beg leave herewith to lay the same before your Majesty for Your Royal Signature

Which is most humbly submitted

Js Oswald. Dunk Halifax

T. Pelham. J. Pell

Whitehall
Febs 6. 1755.



B.P.R.O. So Carolina B.T. Vol. 27 p. 455.

(22 April 1755)

To their Excellencies the Lords Justices.

May it please Your Excellencies.

In Obedience to His Majesty's Commands signified to Us by His Majesty's Order in Council dated the 23d of January last, We have prepared draughts of general instructions, and of those which relate to the observance of the Acts of Parliament for the encouragement & regulation of Trade & Navigation for William Henry Lyttleton Esquire, whom His Majesty has been pleased to appoint Captain General & Governor in Chief of his Majesty's Province of South Carolina in America; in which Draughts We have made alterations from and additions to the Instructions given by His Majesty to James Glen Esquire His Majesty's late Governor of this Province in the following particulars, Viz^{t}

Upon a late revisal of the General Instructions heretofore and usually given by His Majesty to the Governors of His Majesty's several American Colonies, it appeared, that by a frequent Insertion of the additional Instructions given from time to time, and by not observing a proper method in inserting

inserting them, the order, in which the said General Instructions had been first arranged, was altered and Matters, which had no proper relation to or connection with each other, so intermixed and blended together, as to create confusion and perplexity: We have therefore, in this Draught which We now humbly lay before Your Excellencys, so arranged & digested the several articles, as that those, which relate to the same Subject, and have a proper connection with each other, may be found together. We have likewise in many places, where the expression might admit a doubtfull construction, endeavoured to make them more explicit. But as a Minute detail of these variations or of such as are merely literal seems to be unnecessary, We shall only point out to your Excellencys such Essential Alterations as have been made in the Subject matter of these Instructions.

In all such parts of these Instructions where the Governor is directed to transmit any particular or General Accounts of his proceedings and of the state of affairs within his Government, We have omitted the words to Us by one of Our principal

principal Secretaries of State, and have inserted in lieu of them to Our Commissioners for Trade & Plantations in order to be laid before Us. conformable to the directions of that part of His Majestys Order in Council of the 11th of March 1752 containing regulations with respect to the Plantations, which relates to the method of Governors correspondence; & We have added a clause to the 107th Article, directing the Governor to correspond with His Majesty's Secretary of State only, whenever any occurrences shall happen within his Government of such a nature & importance as may require His Majesty's more immediate directions by any of his Majesty's principal Secretaries of State, and also upon all occasions and in all affairs, whereupon he may receive His Majesty's Orders by one of His Majestys Principal Secretaries of State.

In the first Article in which His Majesty's Council for this Province are named, We have inserted the Names of 12 Persons, all of which have been already appointed by His Majesty, leaving out the latter part of the first article in the Instruction to the late Governor, which relates

to

to the Surveyor General of the Customs sitting & voting as a Councillor extraordinary, it being provided for by Article 62d in a manner more explicit and agreeable to what has been approved of by His Majesty in the Instructions to his other Governors in America.

The 26th Article containing regulations for the Governor's conduct with respect to the Paper Bills of Credit now outstanding in this Province, and with respect to any future Emissions, is in lieu of the 99th article of the Instructions to the late Governor, which was revoked by His Majesty's Order in Council dated the 26th of March 1754, and the Regulations contained in this new Article are agreeable to the directions of that Order.

In the 58th Article, which contains regulations for the Governor's conduct in the case of suspension of any of the Patent Officers or their Deputys, We have inserted some words to make those regulations to extend to cases where the Deputy may happen to dye, which was not provided for by the former Instructions, from whence great Inconveniences & Disputes had arisen.

The

The following Articles of the Instructions to the late Governor having become useless and improper, either by the purposes for which they were given having been complyed with, or by other regulations having been since made with respect to the matters therein contained, We have entirely omitted them. Viz^{t} Article 48th for ascertaining the Days on which the Courts of Oyer & Terminer were to be held, which has been provided for by a Law passed in this Province several years ago.

Article 75. which recites the Commission granted to the late Lord Bishop of London for the exercise of Ecclesiastical Jurisdiction in the Plantations. We not having received any Intimation, that the like Commission has been taken out by the present Bishop of London.

Article 84th, which recites the Commission granted to General Oglethorpe in 1737 to be Commander in Chief of all the Forces in South Carolina and Georgia, which Commission has, as We humbly apprehend, long since ceased & been determined.

Article 87th directing the Governor to give encouragement

encouragement to the Royal African Company, which Company does not now exist, the management of this Trade being put under another direction by a late Act of Parliament.

Article 98th, directing the Governor to recommend the passing a Law for registring Grants of Land and ascertaining the Payments of Quit Rents, which has been provided for by a Law passed in this Province in the year 1731.

Article 107th, directing the Governor to take and transmit an Account of the Offices held under Grants from the late Lords Proprietors which has been fully complyed with.

Article 109 containing directions with regard to the Encouragement to be given to the Settlement of Purrysburgh within that Province, which has been fully complyed with.

Article 110 relating to the complaints of the late Trustees for the Colony of Georgia with respect to the Trade with the Indians, the foundation of which complaints has, We humbly apprehend, been removed by the Government of this Colony having been put under the immediate direction of the Crown.

We have also omitted the 36th Article of the

the Instructions to the late Governor, concerning the boundary line between South Carolina & North Carolina, it having been represented to Us, that the said Instruction was improper & insufficient, We therefore have directed the Governors of both His Majesty's said Provinces to consider of a proper Boundary Line, and, as soon as they shall have laid before Us their Thoughts upon this subject, We shall think it our Duty humbly to lay a full state of the case before Your Excellencies for Your Excellencies directions thereupon.

We have likewise omitted the 58th, 59th and 60th Articles of the said Instructions, relating to appeals from the Courts in that Province, the method therein prescribed having been since altered by His Majesty's Order in Council dated the 11th of December 1753, and We have inserted in lieu thereof the Additional Instruction given to His Majesty's late Governor in consequence of that alteration.— We have for the same reason omitted the 100th Article of the former Instructions relating to the reversal of the Laws, and have inserted in lieu thereof the Additional Instruction given by His Majesty to the late Governor with respect to this Matter.

We

We have also omitted the 101st & 106th Articles of the former Instructions, prescribing the terms upon which Lands were to be granted in this Province; & have in lieu thereof inserted the 65 & 66 Articles, containing the regulations approved of by His Majesty in the Instructions for the Governor of North Carolina with respect to the Terms upon which Lands were to be granted, and prescribing the Form and method of passing the Grants which appear to Us to be equally well adapted to the circumstances of this Province.

Besides the foregoing Articles, We have also omitted the 66th Article of the former Instructions, directing the Governor to survey and lay out Nine Townships under certain regulations therein prescribed, Which Instruction, We humbly apprehend, has been carried into Execution, but as the settling in Townships has been represented to Us to have a very good Effect in other provinces, We have inserted the 67 Article whereby the Governor is directed, as the number of the Inhabitants shall increase to lay out such a number of Townships, as shall be necessary for their Reception & accomodation under the Regu-

lations

-lations prescribed by the former Instructions.

These, may it please Your Excellencies, are the only essential Alterations or Omissions from the Instructions given by His Majesty to the late Governor, excepting that We have added to this Draught such Instructions as have been given from time to time to the Governors of His Majesty's other Colonies, but omitted in those given to the Governor of South Carolina, tho' equally well adapted to the Circumstances of this Pro-vince; and have made such alterations in those Articles, which have been usually given to all the Governors that have been lately ap-proved of by His Majesty in the Instructions for the Governors of New York, Leeward Islands, Jamaica & North Carolina, & therefore We humbly apprehend it will be unnecessary for Us to trouble Your Excellencies with a more particular account of them.

In the Draught of the Instructions for the observance of the Acts of Parliament for the Encouragement & Regulation of Trade and Navigation, We have inserted the Titles of many Acts which were omitted when the former Instruc-

tions

tions were given to Mr Glen, and have added such as have been passed since; and have made such Alterations as have been approved of by His Majesty in the like Instructions lately given to the Governor of North Carolina.

All which is most humbly submitted

Dunk Halifax.

J. Pitt.
J. Grenville.
James Oswald
R. Edgcumbe.
Fran: Fane.

Whitehall
April 22. 1755.

B.P.R.O. S° Carolina B.T. vol. 28. p. 1

(22 April 1755.)

Rt Hon^ble Sir Thos Robinson

Sir

Mr Apsley Brett Naval Officer in His Majesty's Province of South Carolina being deceased, and Mr Joseph Stephenson having been recommend-ed to Us as a Person every way qualified to serve his Majesty in that Station, We beg leave to desire you will be pleased to move His Ma-jesty, that the said Joseph Stephenson may be appointed Naval Officer in the said Province in the room of Apsley Brett deceased; and We here-with beg leave to inclose the Draught of a War-rant for His Majesty's Signature, appointing the said Joseph Stephenson Naval Officer in the said Province, in case His Majesty shall approve of Our humble Recommendation

We are Sir

Your most Obedient

Humble Servants

Dunk Halifax

Fran: Fane

James Oswald

G.R.

Whitehall
April 22. 1755

G. R.

Trusty and Wellbeloved, We greet you well. Whereas We have taken into Our Royal consideration the Loyalty, Integrity & Ability of Our Trusty and Wellbeloved Joseph Stephenson Esqr. We have thought fit hereby to Authorize and require you forthwith to cause Letters Patents to be passed under our Seal of that Province of South Carolina in America, for constituting and appointing him the said Joseph Stephenson Clerk of the Naval or Navy Office in Our said Province in the room of Apsley Brett Esqr deceased, to have, hold, exercise and enjoy the same to him the said Joseph Stephenson, by himself or his sufficient Deputy or Deputies during Our Pleasure, together with all & singular the Fees, Rights, Privileges, Perquisites & Advantages to the said Office or Place belonging or appertaining, with a Proviso, that nothing in the said Letters Patents contained shall extend or be construed to extend to the Prejudice or disadvantage of the Office of Our high Admiral of Great Britain or of Our Admiralty of Our foreign Plantations for the time being, or of any of the Rights, Privileges, Jurisdictions,

Powers

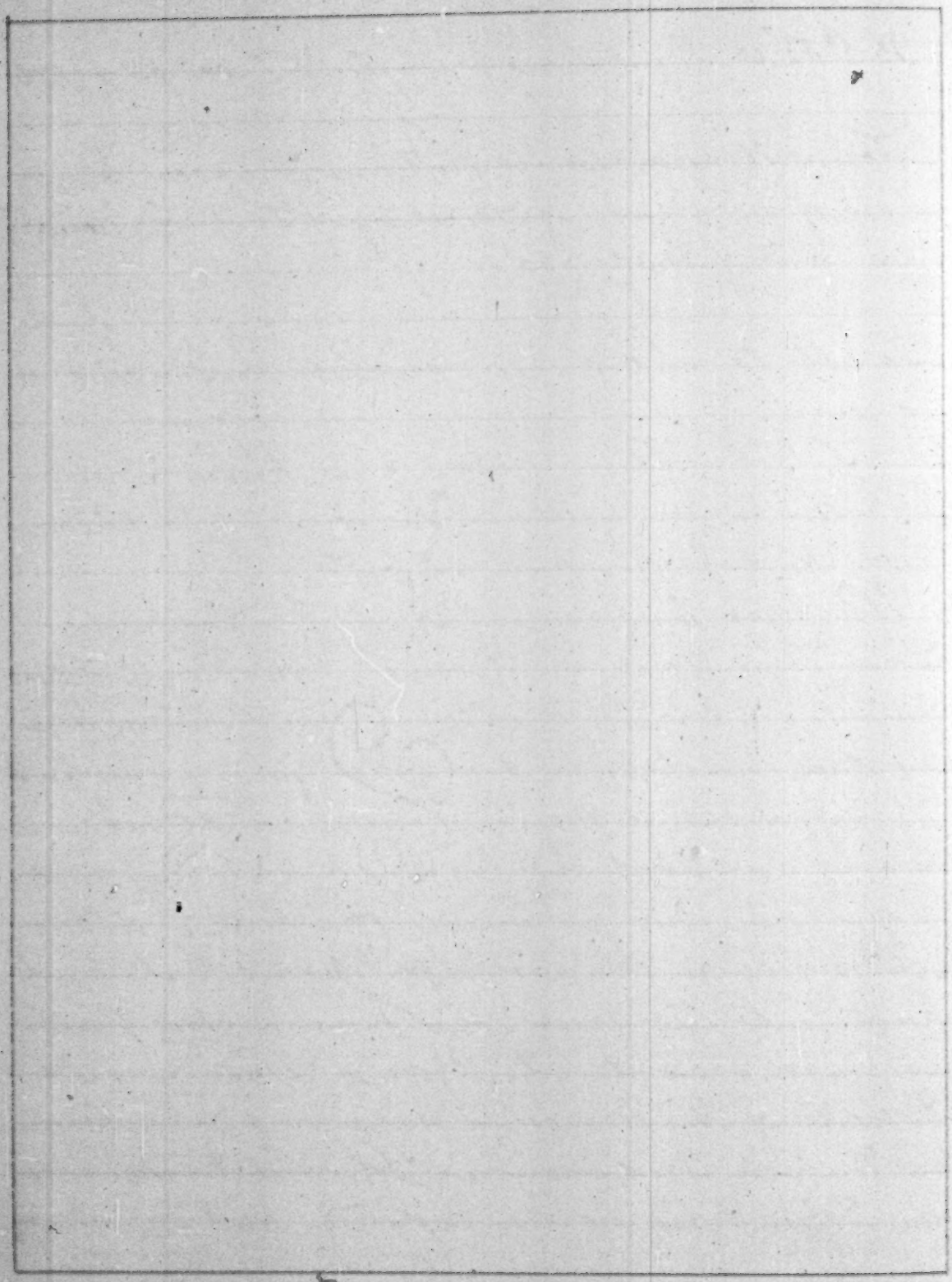
Powers and Authorities to the same in any wise appertaining, And you are likewise to insert in the said Letters Patents a Clause for obliging him the said Joseph Stephenson to reside within our said Province, and not to depart, nor be absent from thence, without Our special Leave & Licence in that behalf, and for so doing this shall be your Warrant, and so We bid you farewell. Given at Our Court at St Jamess the day of 1755 in the twenty eighth year of Our Reign.

By His Majesty's Command.

Superscription.

To Our Trusty & Well beloved William Henry Lyttleton Esqr Capt: Gent & Govr in Chief of Our Province of South Carolina in America, or in his absence to the Commander in Chief, or to the President of Our Council of Our said Province for the time being.

6 Mai 1755



B.P.R.O. Plantations General B.T. vol 55. p. 176.

John Hammerton to William Simpson deputation of ye Office of Secretary of South Carolina ye 6th of May 1755.

To all to whom these presents shall come or concern,

I, John Hammerton of the Parish Saint Martin in the fields in the County of Middlesex Esqre send greeting and so forth,

Whereas His present Majesty Our Sovereign Lord King George the Second by His Royal Letters Patents under the Great Seal of Great Britain bearing date the eleventh day of February in the fourth Year of His said Majesty's Reign, which was in the Year of Our Lord one thousand seven hundred and thirty, Did for himself His Heirs and Successors give and grant unto Edward Bertie Esqre and unto the said John Hammerton, party to these presents, The Office of Secretary and Register of His Majesty's Province of South Carolina in America, And the said Edward Bertie and the John Hammerton Secretary and Register of

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the said Province of South Carolina did thereby make, Ordain and Constitute, To have, hold Execute and Enjoy the same by the said Edward Bertie and me the said John Hammerton or either of Us, Or by Our Sufficient Deputy or Deputies for and during the lives of the said Edward Bertie and me the said John Hammerton, Or the life of the longer liver of Us, With all Rights, Profits, Perquisites and Advantages to the said Office belonging and appertaining, And His said Majesty did for himself his Heirs and Successors, Grant unto the said Edward Bertie and me the said John Hammerton full Power and Authority by Ourselves or either of Us or by Our sufficient Deputy or Deputies by Us to be appointed by writing or writings under Our hands and Seals to be present at all meetings of the Governor and Council and of the Assemblies and to keep an exact Register of all the proceedings, Acts and Orders as by the said Letters Patents relation being thereunto had may more at large appear. And Whereas the said Edward Bertie is since dead, whereby the said Letters Patents become solely vested in me

the

the said John Hammerton; Therefore Know ye, that I the said John Hammerton by vertue of the said Letters patents did on the twentieth of September one thousand seven hundred and fifty two Covenant, Article and Agree with William Simpson then of London but now of Charles Town aforesaid Gentleman, for the Office or Place of Deputy Clerk of His Majesty's Council of South Carolina in which Article or Agreement the said William Simpson did covenant and agree to pay to me the said John Hammerton Fifty pounds sterling in hand immediately upon my executing the said ~~sum of Fifty pounds~~ Deputation, which said sum of Fifty pounds I do hereby acknowledge to have received from the said William Simpson by the hands of William Batterson of James Street Covent Garden Middlesex, Tobacconist, And further the said William Simpson did in the said Article Covenant and agree to pay to me the said John Hammerton Fifty pounds sterling per annum for the said place during Our Joynt lives, And I the said John Hammerton did on my part covenant and

agree

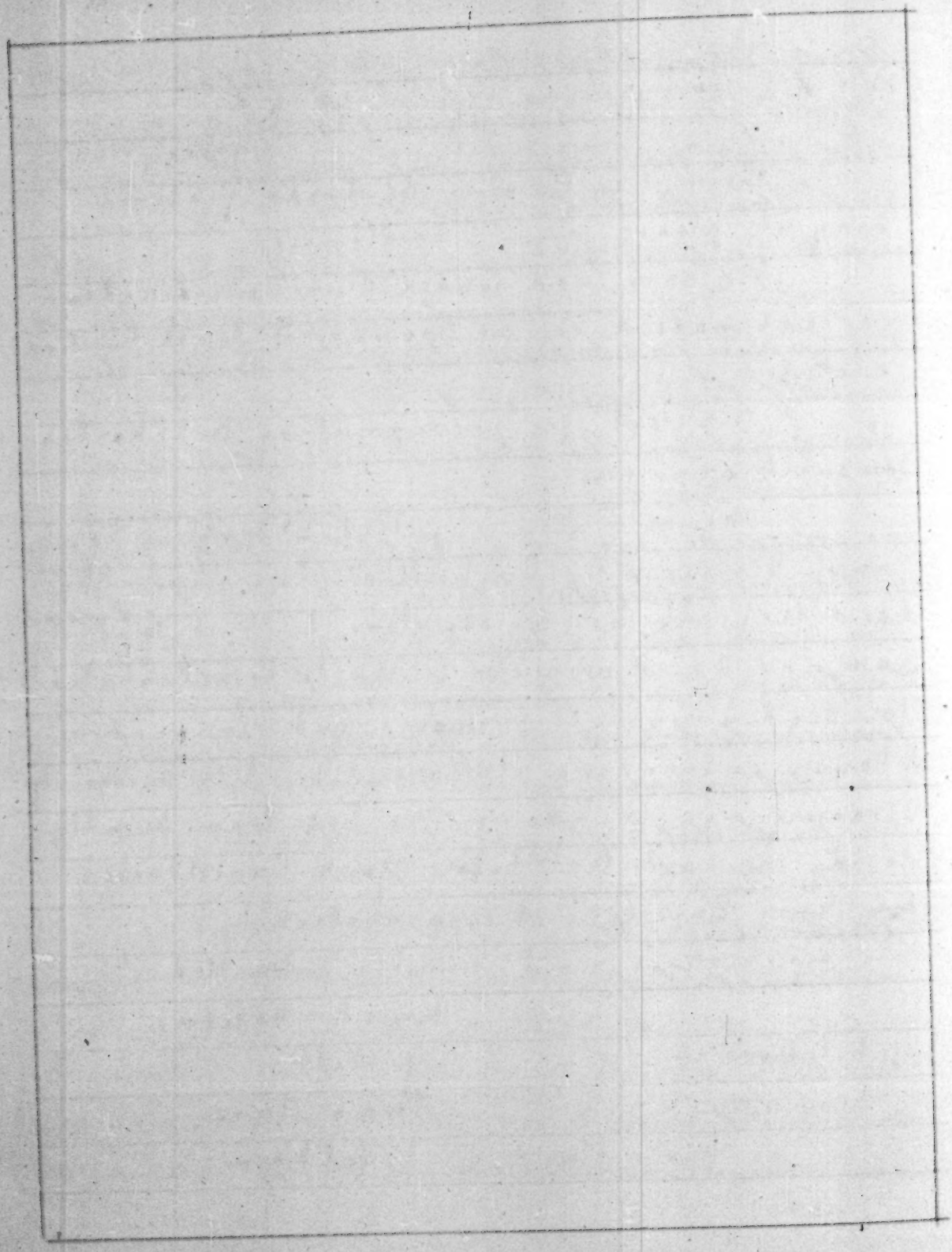
agree in consideration of the above sum and sums paid and to be paid to me, That the said William Simpson should hold and Enjoy the said Place of Deputy Clerk of the Council in the Province of South Carolina aforesaid, with all salaries, fees, profits, perquisites and Advantages in as full and ample manner as I myself ever held or Enjoyed the same and by a special clause in the aforesaid Article it was particularly specified, and I did therein covenant and agree that the said William Simpson should hold and Enjoy the said Place of Clerk of the Council with all salaries, fees, perquisites and Emoluments during the term of my Life, if the said William Simpson should so long live, Altho' the said Clause was not specified in the said Deputation, unless the said William Simpson should forfeit the same by Illegal practices or neglect of Duty, And Whereas the said Articles duly signed and executed by Us is lost or fallen aside, so that necessary recourse cannot be had to the said Article. Know ye therefore that I the said John Hammerton in Justice to the said William Simpson my

Deputy

(Deputy, Whom I do esteem well qualified in all respects for the said Office, (So hereby consent and Agree as I do by these presents consent and Agree that the said William Simpson shall hold and Injoy the said place of (Deputy Clerk of the Councel aforesaid for and during our joynt lives, And I do hereby oblige myself to support and maintain him in the same for the above Term unless the said William Simpson shall be guilty of mal practice or neglect of (Duty. In Witness where of I have hereunto sett my hand and seal the sixth day of May in the Year of Our Lord one Thousand seven hundred and fifty five. Sealed and

John Hammerton (L.S.)

delivered being
first duly stampt
in the presence of
Lans- Carruthers.
James Clarke.



B.P.R.O. So Carolina B.T. Vol. 28. f. 5.

(9 May 1755.)

To their Excellencies the Lords Justices

May it please your Excellencies,

We have had under Our consideration an Act passed in the Province of South Carolina entituled.

"An Act for incorporating the Charles Town Library Society".

We have also consulted Sr Mathew Lamb, One of His Majestys Counsell at Law upon the said Act, who has no objection to it in Point of Law; and as it appears to Us to be calculated for good & usefull purposes, and contains a Clause suspending its Execution, till His Majestys Pleasure may be known, We beg leave humbly to lay the said Act before Your Excellencies for Your Excellencies approbation.

Which is most humbly submitted.

Dunk Halifax
J. Pitt.
Fran: Fane.
T. Pelham.

Whitehall
May 9. 1755

B.P.R.O. So Carolina B.T. vol. 28 p. 6.

(9 May 1755.)

To their Excellencies the Lords Justices.

May it please Your Excellencies,

We have had under Our consideration an act passed in the Province of South Carolina in the year 1738, entituled,

"An Act for easing the Port charges "to coasting Vessels entering into and clearing out "from Port to Port within this Province, and to "prevent any impotent, lame or infirm person "being imported, brought to or landed in any "part within this Province, who shall be likely "to become burthensome or be a charge to the "Publick".

By this Act all Ships and Vessels belonging to the Inhabitants of the said Province, whatever Port or Place they come from, or may be bound to, are exempted from the payment of Powder Money or Powder Duty; and if employed in the coasting Trade, they are also discharged from the Expence of Pilotage when they do not actually take a Pilot on Board.

By the 30th Articles of His Majesty's Instruc-

-tions

-tions to James Glen Esqr late Governor of South Carolina, he is strictly charged & commanded on Pain of His Majesty's highest displeasure, not to give his Assent to any Law, whereby the Natives or Inhabitants of the said Province might be put on a more advantageous Footing than those of this Kingdom.

As this Act therefore has been passed in contradiction to the said Instruction, We humbly beg leave to lay it before your Excellencies for your Excellencies disallowance.

Which is most humbly submitted

H. Pelham Dunk Halifax.

Whitehall
May 9. 1755.

J. Pitt
J. Grenville.

B.P.R.O. So Carolina B.T. Vol. 28. p. 9.

(9 May 1755.)

To William Wood Esqr

Sir,

The Lords Commissioners for Trade & Plantations having had under their Consideration several Laws passed in the Province of South Carolina, and finding in the Digest of the said Laws printed in that Province, two Acts which appear to them to have some relation to the Act of Parliament for regulating the Plantation Trade & His Majesty's Customs in America, I am directed by their Lordships to send you the inclosed Copys of them, and to desire you will lay them before the Commissioners of His Majesty's Customs.

I am Sir

your most obedt Servt

John Pownall

Whitehall
May 9th 1755.

An Act for the Entry of Vessels, passed the 8th of October 1698.

An Additional and Explanatory Act to An Act for the Entry of Vessels, passed the 18 of Decemr 1739.

B.P.R.O. So Carolina B.T. Vol 18 K 112.

(13 May 1755.)

At the Council Chamber Whitehall
the 13th of May 1755
Present
The Lords Justices in Council.

Upon reading this day at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs, dated the 9th of this Instant, upon considering the Draughts of General Instructions, as also of those relating to the Acts of Trade and Navigation, prepared by the Lords Commissioners for Trade and Plantations, pursuant to His Majesty's Order in Council of the 23rd of January last, for William Henry Lyttleton Esqr Governor of South Carolina – By which Report it appears that in these Draughts of Instructions the said Lords Commissioners have made some Alterations from and Additions to the Instructions given by His Majesty to James Glen Esqr late Governor of the said Province – But the Lords of the Committee being of Opinion that the same are not only proper but necessary. The Lords Justices are thereupon pleased with the Advice of His Majesty's Privy Council to approve

approve the said Draughts of Instructions, together with the Additions and Alterations made therein, and to Order, as it is hereby Ordered, that Claudius Amyand and James Rivers Esqrs Secretarys to the Lords Justices, do lay the same before them for their Signing. —

a true Copy
W. Sharpe.

Recd July 11th
Read — 16th } 1755.

B. P. R. O. So Carolina B. T. Vol 28. p. 10.

(28 May 1755.)

To their Excellencies the Lords Justices

May it please Your Excellencies.

William Bull Esqr One of His Majesty's Council in the Province of South Carolina being deceased and James Michie Esqr being recommended to Us as a person every way qualified to serve His Majesty in that Station, We humbly beg leave to propose to Your Excellencies, that he may be appointed of His Majesty's Council in the said Province in the room of the said William Bull Esqr deceased.

Which is most humbly submitted

Whitehall
May 28. 1755.

Dunk Halifax
J. Grenville
James Oswald.
T. Pelham.

B.P.R.O. So Carolina B.T. Vol. 18. N. 116.

So Carolina. May 29th 1755.

My Lords.

I wrote to Your Lordships in the end of August last, soon after which I issued a Proclamation for dissolving the then General Assembly, and immediately after a new Assembly was called in the usual manner, which accordingly met forty days after the Writts; upon that occasion I made a Speech to the Council and Assembly, and I take the liberty to enclose a Copy of it and of their Addresses printed in our Gazette of the 21st of November marked (No 1.) from which Your Lordships will not only discover the happy Situation of the People of this Province, but the sense they have of their happiness, you will see our Sentiments with regard to the Encroachments made upon His Majesty's Dominions by the Subjects of France inhabiting Canada, and what in our opinion ought to be the Conduct of all the British Colonies on the Continent in consequence of it, there is some general notice taken of our Indian Affairs and some Cautions are given about passing of Laws.

I have endeavoured to deserve the good

will

will of the People of this Province during the whole course of my Administration by a diligent and faithful discharge of my duty, I never courted what is commonly called popular applause, but Governors must be very insensible, if the unsolicited Praises of their General Assemblys do not warm them es-pecially when there is also the consenting and concurring voice of the People, and I am not so vain as to think I deserve all that the Assembly have said of me in that Address yet it gives me great satisfaction that after so long a trial of me as Governor, I should have it in my power to transmit to Your Lordships such a public testi-mony of the approbation of a whole Province.

Soon after the meeting of this General Assembly, I received a letter from Sir Thomas Rob-inson, one of His Majesty's principal Secretarys of State, containing His Majesty's orders to me in re-lation to a contribution from this Province for the Service of North America, and as it gave rise to a great variety of Proceedings, I beg leave to lay a short account of them before Your Lordships which may not be altogether useless. After I had communicated the letter to the Council, and

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in a private manner to some of the leading men in the Assembly to prepare them for it, I sent a copy of it to the Assembly & accompanied it with a Message, pressing them in the most earnest manner forthwith to raise as large a Sum as could be afforded as the Contribution of this Province to a common Fund for the Service of North America, in consequence of which a Bill was immediately brought in for granting to His Majesty the Sum of £40,000 Currency equal to £5714.5.8⅔ Sterling and for Stamping and emitting Paper Bills of the Denomination of Public Orders to that Amount for the more immediate raising the money.

As our Fortifications were in no Condition to withstand any attempt of an Enemy, and as the Times seemed to be doubtful and dangerous, it has been agreed upon by everybody before the receipt of the Secretary of States letter, that it was absolutely necessary to have them repaired. and as this Service required a large Sum, which was proposed to be immediately laid on and levied by Taxes, upon real and Personal Estates in the usual way without having recourse to the

expedient

expedient of Paper Bills, I was sensible that the other Sum could not be raised so immediately as to make it answer His Majesty's just expectations otherwise than by Paper Bills; but it became my duty to take care that it should be done in the way the least detrimental, this I found a most difficult task. I told the Members out of Doors that it was impossible to make them Paper Currency, or in other words to make them Current or a legal tender for payment of private Contracts or for Debts, in the second place that there should be a short time limited for calling them in and sinking them, and thirdly that a Fund should be established for that purpose, but this last they would at no rate hear of, there was a sort of promise in the Bill that they would sink them in five years, at the rate of one fifth yearly, and that Taxes should be laid on Lands and Slaves yearly for that end when the Tax Bills for 1755, 1756, 1757 &c should pass: They said it was not kind in a Gentleman who had been so long their Governor, and who knew their Inclination and Ability to do Justice, to start difficulties. I told them that as [a] private person

I

I might perhaps think their words a sufficient Security, but as Governor it would be a breach of Trust in me to do so, that perhaps a Tax Bill might not pass, or that future Houses might decline performing the Promises made by this, in short that I could not give my Assent to any Law for emitting Paper Bills unless Taxes for calling them in were laid on in the Law itself, and the Fund established, and also the time and method of levying it so fixed as to secure itself and not need to depend upon any future Act. What I said against the Bill had not weight enough with the Assembly, when I found that I stated my objections to the Bill as it stood to the Council, hoping that if they could not prevail with the Assembly to alter it they would at least prevent it's being presented to me, but notwithstanding all that I could say, the Bill passed both the Council and Assembly, so that I was laid under the disagreeable necessity of giving my Negative, which I did in the usual manner by telling them when it was presented for my Assent, that I would consider of it, this raised a great flame and immediately my Message and the Bill were

ordered

ordered to be Printed, and Copies to be sent by the Speaker to England to be laid before His Majesty's Ministers and Your Lordship's Board, and to be sent to all the different Governors upon the Continent, but I was not apprehensive that I should incur His Majestys displeasure for refusing to disobey his Commands. I herewith send you a printed Copy of both marked (No 2). My behaviour upon this occasion created me a great deal of ill will however I was in hopes of meeting opportunities of softning matters before the end of the Session.

They then proceeded to other business and in Six or Seven Weeks the Tax Bill was sent up to the Council from the Assembly, in the mean while I had not been idle in removing the prejudices of the Members, and I found that I should be able after the passing of the Tax Bill, to keep them together till a new Bill should be brought in for raising the money for the defence of North America, I proposed a short Prorogation of two days to give them an opportunity of bringing in a new Bill for that purpose, but some little dispute arose about a small sum voted by the Assembly to Mr Brokett that the Council would not agree

to

to, and wanted to have struck out of the Tax Bill, and upon the Assembly's refusing to do it, the Council rejected the Bill, this accident as it confirmed what I had said, of the uncertainty of depending upon other Bills. I did not fail to improve to the purpose of prevailing with the Assembly to provide a Fund for sinking any Paper Bills that might be thought necessary to be emitted for the service of North America, and I succeeded, for they gave me assurances they would, if they did any more business but their whole humours and temper seemed to be soured by the Council, and indeed it gave all the thinking People in the Province great concern, The Creditors of the Public were clamorous, as many of them were paying Interest for Moneys due to them and provided for in that Bill, the Public Treasury was without a Penny for the Contingent Charges of Government for the Current Year, our Fortifications needing great Repairs, and a War perhaps not very distant, I therefore prorogued them for a Fortnight to give them an opportunity to bring in a new Tax Bill, and in hopes that the great ferment might subside, and that both the Council and Assembly might

might cool, & come together disposed to dispatch the public business, accordingly another Tax Bill was brought in, which indeed was a very important one, Provision was made for paying all the Creditors of the Public, a Sum for the Contingent Charges of Government, The Pay for a Troop of Rangers to consist of Fifty Horsemen including Officers to range our Frontiers to prevent the Incursions of Enemy Indians, £20000 towards our Fortifications, there were People enough that would have advanced £30000 more, or would have supplied materials and labour upon the Credit of the Fortification Fund, which would have made £50000, and Forty two thousand towards the defence of North America, the sum for this Service was greater than in the Bill to which I refused my Assent, and the Fund for calling in and Sinking the Bills full and sufficient and the time and method fixed and certain. One fifth in the Bill itself, and the other four fifths in the four subsequent years, but to my great surprize and concern the Council rejected this Bill also for the same cause about Mr Brokatt, I then thought it my duty to expostulate with them, to point out how hurtful this conduct might be to

His

His Majesty's Service, and how dangerous to the Safety of the Province, and the very Evening they rejected the Bill they agreed to make no more Objections, but to pass such a Bill, if I would prorogue the Assembly for one day only, to give them an opportunity to bring in a new Bill, but it was with great difficulty that they could be prevailed on to stay, as so much time had been spent in ripening the last two Bills, and the Public had reaped no fruit from their labour, they seemed determined to depart every man to their several habitations, however they were prevailed upon, & brought in another Bill without any Alteration and the Council passed it, and I gave my Assent to it with great Pleasure.

I have been tedious in this Relation, but I hope your Lordships will be of opinion that it required some care to steer clear through this stormy Session. I thank God I am now safe arrived in Port, As I hear this is likely to be the last Session that I am likely to be at the helm here, I know of nothing that is left to be done by my Successor and I have the infinite satisfaction to see that no Governor in America is better with the Council, the Assembly, and the whole

whole People than the Governor of South Carolina.

I shall leave this Province in a very thriving and flourishing state; The Account that I ventured to lay before Your Lordships last year happened to a pretty exact one, for tho' the Calculation was made before all our Rice was cut down, or our Indigo made, reckoning what is exported from Winyaw and Port Royal there will be above 100,000 Barrels of Rice and 200000 weight of Indigo, it is impossible so early in the Season to form any Judgement what Crops we may have this year, in general I may tell your Lordships that there is as much Rice planted, and I believe near three times as much Indigo, but the Weed being of a very tender nature is liable to many accidents, and already a black Frost late in March cut down a great deal of what had been early planted, and in some places a small Worm or Bug has destroyed whole Fields, and in general a great Drouth all over the Province has been hurtful to it, however as we have had of late fine refreshing Showers I flatter myself with double the quantity we made last year.

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This makes our Planters very eager to have more Negroes, and as the Prices are high and the pay good, the Merchants take care to supply them with great numbers. They compute from the letters they have received that 5000 will be imported this year which reckoning them at £200 Currency ⅌ head on an Average, a price that they will certainly yield if there be no French War, will make the whole amount to one Million of our money.

As for our Indian Affairs, I believe it is the general Opinion all along this Continent that they are not better understood, or more attended to, in any other part of His Majestys Dominions, and I intend it as no reflection, when I sincerely wish that the same care and knowledge had prevailed every where. The King of the Catawbaws and some of his Headmen and Warriors were lately here, and I inclose for Your Lordships perusal a Copy of my Speech to them (No 3) and also a Copy of a letter written by me at his desire to the Sachems of the Six Nations which I transmitted to Mr Delancey the Lieut. Governor at New York to be forwarded by him without

loss

loss of time (N°4.). Since which time I have been visited by some of the Headmen and Warriours of the Cherokees and altho' they were the very principal People of that Nation, yet I could not prevail with them to enter upon any business, they said that they were only sent as messengers from their Head King who knew the affairs of the Nation better than they all did, and who had the only right to treat of them and settle them as he pleased, the Person with whom I have corresponded closely for these many years, has got a surprizing sway in that Nation and is perfectly absolute, he never was in Carolina being unable to travel, having been so wounded in his youth in War, as to render him a Cripple ever since, by these messengers he sent me a string of Wampum, earnestly requesting that I would meet him half way between Charles Town and Chotte, to treat with him and settle all affairs relating to his Nation, he sent me word that he would be carried so far on his People's backs, this they pressed in such a manner, that the Council were of Opinion that I could not possibly decline the meeting, altho' they are sensible that

My

my present state of Health which is very bad, the length of the way, and above all the Season of the year, as it will fall out about the end of June or the beginning of July, must render such a Journey disagreeable and dangerous; however I have accepted of his Invitation, I did it the more readily as there were lately three and forty French and Northern Indians in the Cherokee Nation, who spent several days with this Chief, and it is alledged concluded a sort of Treaty of Peace and Neutrallity with them, tho' from what I said in my letter to them in the beginning of Winter, that the best way of keeping the Enemy at a distance from their Towns, was to carry the War into the Enemy's Country, three or four hundred of them are gone out in small Parties against the French Indians. It is very remarkable that tho' the Cherokees have been very anxious and Solicitous for many years past for a Fort over the Hills, yet at all these conferences that I just now had with them, they have never mentioned any such matter, on the contrary they artfully evaded speaking of it, telling me that when some of their People were lately in the

the Creek Nation, they were Witnesses to the
Spaniards from St Augustine making very large
presents to those Indians and that they had sent
word by them to the Cherokees, that if they
would make Friends with them they would
be treated in the same friendly manner, that
they were sorry to hear that they had permitted
the English to build a Fort amongst them, but
they hoped that they would not allow them to
build any more, for that they had no other views
but to enslave them and take their Lands from
them. That the Spaniards were lately in the
Creek Nation and that they made all those
Presents and Speeches mentioned by the Cherokees
is certain, tho it is not at all unlike Indian
cunning that these People might have enforced
them in the artful manner they did, to make
us the more ready to build the Fort, that they
had so often and so earnestly prayed for, and
possibly this may be one of the points reserved to
be discussed when their Chief and I meet. It were
to be wished that Mr Dinwiddie, had agreeable
to His Majesty's Commands, sent me a Sum sufficient for that purpose, but I have hitherto
been

been able to prevail with him to remitt me no more than One thousand pounds; I take the Liberty to enclose for Your Lordships perusal the Copy of a letter from me to Mr Dinwiddie early in January last upon that subject in which there is an Estimate of the expence, but perhaps by making a smaller Fort and carrying fewer men the Expence may be lessened. Marked (No 5.).

The brave Chickasaws still stand their ground and are determined to defend every inch of their Country with the last drop of their blood.

My last accounts from the Upper Creek Country informed me that in consequence of a great invitation from the Government of New Orleans above a hundred of them have been lately down at Moville where they received great presents and where their minds were so poisoned and prejudiced against the English, that our Traders amongst them have had very uneasy apprehensions ever since, one of the most sensible of them writes me, that he expects every moment the blow will be given, 'tis true he had assurances from a very noted Headman that he would join

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in no measures against the English, but at the same time he cautioned him against letting any of his country men know that he had revealed any of their designs to him. I have good reason to believe that the Creeks have been tampering with the Cherokees to Joyn them, but I hope I shall be able to secure all from that Quarter. I had early in the Winter engaged most of the Head-men of the Creek nation to come to Charles Town this Spring, but I expected them in February, however I repeated my invitation afterwards, and am not without hopes of seeing them here this Summer. Your Lordships may be assured that I shall omit no pains to defeat the Designs either of the French or Spaniards: Some of the Creeks I hear have been lately in Georgia with complaints against some of the People of that Province for settling Lands that are their hunting Grounds.

I shall trouble your Lordships but with one thing more, and that is with regard to the disputes that subsist betwixt this Province and North Carolina, about the Boundary line, which as fixed by the late Lords Proprietors

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in the very Infancy of this Government, was Cape Fear River, all the Lands to the West and South of that River being constantly held to be South Carolina. 'tis true after His Majesty's purchase of the Soil the Line was removed a little in favour of North Carolina by an Instruction from His Majesty, that a line running parallel with the Course of that River, but at the distance of thirty miles South West of it, should be the Boundary line, but this neither the Governor nor any of the People will acquiesce in, tho' almost all those in the disputed parts are desirous to be in this Province. Mr Dobbs informs me that he hath written to your Lordships upon this head, and insinuates that he has no reason to doubt that the matter will be determined upon his letters, but I most earnestly entreat that your Lordships will give this Province an opportunity of seeing what he has said, and of being heard in our turn, and in the mean time till those disputes are determined that His Majesty's Instructions upon that head, or the Course pointed out by those Instructions should be observed on both sides as near as may be.

A report prevails here that a Commission

mission has actually passed the Great Seal appointing Mr Littleton Governor of this Province, but as Govrs do not always sail immediately upon their appointment, I must intreat that your Lordships may procure for me His Majestys Licence under his Royal Sign Manual to leave the Province, my private affairs & my Health greatly require it; I pray for it the more readily, because I have settled every thing here on such a foundation, that my Successor has a certain prospect of great ease and happiness in his Govt to which I shall not fail to contribute all in my power during my stay.

Mr Bull Lieut. Govr and one of the Council died lately in the Country, James Kinlock Esqr is eldest Councilor and I request that no person may be appointed Lieut. Govr till I have the honour to wait on your Lordships Board.

Mr Dobbs lately sent me a printed paper which I transmit to your Lordships without remarks, I could also send some pretty extraordinary productions from other Northern Governments (marked 6.)

I have the honour to be with the greatest respect My Lords

Your

Your Lordship's
most Obedt & most humble Servt
James Glen.

Recd July —
Read — 17 } 1755.

Enclosure (No 1.) N. 117.
The South Carolina Gazette.
November 21st 1754 [Numb 1066.]
(Printed newspaper.)

Enclosure (No 2.) N. 118.
The South Carolina Gazette.
From Thursday January 30th to Thursday
February 6th 1755. [Numb 1076.]
(Printed newspaper.)

N.B. these have not been copied.

Enclosure (203)

Enclosure (No 3.) N. 119.

My Good Friend King Hagler.

I proposee now to return an answer to your Talks, both to what you gave me in writing and to what you have said in the hearing of my beloved men, and tho' I direct my discourse chiefly to you The King I consider that I deliver it in the hearing of your Headmen and Warriours, I hope you will all open your Ears to it, and let it sink deep into your Hearts.

I wish I had a better Interpreter, but as at present no better can be had, I have thought fit to put what I had to say to you in writing, that in your way home John Evance may fully explain it to you, and that after you get into your own Nation, Matthew Tool may Interpret it to you in the hearing of all your Headmen and Warriours.

I have been extreamly Impatient to see you for these two Moons past, because in the last letter that I received from you after thanking me for the 12 baggs of Powder and 12 baggs of Bullets, the Present that I then sent you, you acquaint me that you and some of your old

wise

wise men intended to come down to consult me about some of your Affairs of great consequence to you. All of you can bear witness, how ready this Government has ever been, not only to give their advice, but their assistance to your Nation, and therefore it is very wise in you to continue to place your Confidence in us. I could enter deep into ancient times, and shew you that your Nation depended solely upon this Government long before you and I were born, I could tell you how we persuaded the Charraws the Waccamaws and some of the Pedees to Joyn you, but this would lead me into too great a length of words, were I even to mention all the Transactions betwixt this Government and the Catawbaws, since I have been here, which is near Twelve years, what I could say upon that Subject would swell this Talk to a great Bulk, I shall therefore confine myself to one or two particulars only.

You all know the great friendship that was between your late King, and me, his behaviour the very first time I saw him engaged my attention and regard, and every time we met afterwards

afterwards which was pretty frequently added to the love I bore him, he often said to me that tho' he was younger than I yet he would probably die before me, that Indians were subject to many more Accidents than White People, that when they were from home in the Woods, they might expect an Enemy to start up from every Bush, and even at home they were not safe, as your People were then sometimes killed in your own corn Fields and at your very Doors; but he earnestly recommended it to me to remember, when he died, That you, The Haggler was the fittest Man in the Nation to succeed him as King, and accordingly I lost no time after I received the Melancholly account of his death to appoint you, and when you came down to see me, I confirmed it by a Commission under the Great Seal of this Province, as all your former Kings and Headmen have had, that Commission you still have, but as they wear out by time, and the Seal breaks I have ordered a new one for you, and now deliver it in the presence of your Headmen, Captain Harris and Captain Thompson, and of Mr Eyres and the other Warriours, when

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I first made you King, I knew that you well deserved it, and your behaviour since shews that I have not been mistaken, I told you at that time that I had written to my Brother Mr Clinton the Governour of New York to unite his good offices with mine, that a firm Peace might be made betwixt the Six Nations and you, and that he had acquainted me that the Six Nations agreed to it, provided it were ratified at Albany within a year, and in the mean while that all Hostilities should cease on both sides, I accordingly perswaded you and six of your People to go to Albany, but as I knew you would run great risques and be liable to be destroyed in the Woods, which were then swarming with Enemies I sent you by Sea, and that you might not only go safe but in the most honourable way, I sent Mr Bull one of my beloved men alongwith you, and by him I sent letters to the Six Nations accompanied with large Presents; you there made a Peace which on your parts you have punctually observed, but I have been sorry to see by your Letters that the Six Nations seem to have forgotten their Engagements, and have killed numbers

-bers of your people. I was in hopes at first that it might have been only the Caughawagee-noonas or other French Indians, but I have had too Good reason since to know that it has been the Six Nations also, and indeed the in-telligence sent by Arant Stephens the Interpreter to Mr Bull, that the Six Nations determined the utter destruction of the Catawbaws, of which I gave you immediate notice, shows this, but the News brought lately from Onandago by your own Countrey Woman puts their designs against you in a clear light, she has been long kept a Prisona amongst them, but at length made her Escape through many Dangers and came through many different Countries to give you notice that their design is to kill and scalp all the Men, to make Prisoners of the Women and Chil-dren, and to burn your Towns with Fire, so that you may never more be a People, you may depend upon it, that agreeable to your desire, I shall without loss of time write both to the Governor of New York, and to the Six Nations, to represent all these Matters, he, I make no doubt will pay a regard to what I

write

write, and I hope the Six Nations will listen to reason, In the mean time the advice I now give you is to let a good number of your Warriours stay at home to guard your Towns, and to defend your Women and Children from the Attacks of your Enemies the French and Northern Indians, I have desired some of you to go to assist your Friends on the Ohio, and I have written to the Cherokees to that purpose, and shall again press both them and the Creeks to go, for I expect to have conference with both these Nations this Spring, but I tell you that it is my opinion, that a sufficient number should stay at home to prevent the destruction of your Nation it was probably owing to the good advice that I gave you last year that you were not then cut off, For a great body of French Indians came very near your Towns, but I suppose, finding you upon your Guard, they turned aside and cutt off some White People, who expecting no such visit were taken by surprize, they killed sixteen upon the spot, and carried off nine alive into the French Settlements, I shall also, agreeable to your desire inform the

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Six Nations that all their Six Countrymen who lately came from Virginia as Messengers of Peace to your Nation, and to invite the Creeks and Cherokees to the assistance of some of their Countrymen who live upon the Ohio River, had been killed and scalped, five of them by the Chickesaws, and one by the Cherokees, tho' neither the Chickesaws nor Cherokees could be much blamed for it, as there was no White man with them, had they been sent to me they would probably have been safe, for I would have sent some of my People along with them to the Creeks and Cherokees.

I shall also take the most effectual method of redressing the other grievance that you complain of that by the White People's settling so near you, you have not room to hunt, by which means you can neither kill Skins enough to purchase Cloaths for your Families, nor can you ever procure Provisions, and that by that means also your Horses are frequently stollen from you by White People, when you made your first complaint to me upon this Head, I by the Advice of the beloved Men gave immediate

Orders

Orders, that none of the Surveyors should run out any Lands within thirty Miles of your Towns all round, and I sent Notice that some of Our People who had settled nearer you should remove to that distance, and I hope I was obeyed, but finding your complaints continued and encreased, I as you desired wrote to the Gentleman who at that time acted as Govr of North Carolina, to let him know that some Persons pretending a right from that Government had settled as I was told within Six or Eight Miles of your very Towns and had run out Lands much nearer, but now as the Governor himself is arrived, I shall again write to him upon that Head, he could not countenance any of his People in coming into this Province and taking Our People's Land from them, and as it would be equally unjust he will not permit any of them to take any of the Red People's land from them neither, but should I hear that any of them should attempt it, after I have fully informed him of it, you may depend upon it that I shall lay your case before His Majesty the Great King George, who

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is both a Father to the Indians and the English whether Red or White. To conclude as you have hitherto entirely relied upon this Province you may still do so, for we will never desert a firm faithful & brave People tho' alas now a small Nation, we will still be ready to supply you with Goods and to make you Presents of Arms and Ammunition to defend Yourselves against your Enemies, we will endeavour to prevent Quarrels and Wars betwixt you and all our other Indian Nations, and when they happen we will labour to compose the differences and to procure Peace, we will not suffer any of Our People to settle nearer than 20 or 30 Miles, and we will endeavour to prevent any other People from doing so, when you acquaint us of their Intentions, by which means you will always have sufficient room to hunt in.

These things I promise in this public manner in the hearing of my beloved men and of your Headmen and Warriours & to this Talk I shall put ye Great Seal to confirm my Words

James Glen

Enclosure

Enclosure (No 4.) K. 130.

Good Friends and loving Brothers Sachams of the Six Nations.

Your many Gallant Actions have procured you the esteem and love of the English. We commend your Courage, but we think you equally worthy of praise on Account of your constant observance of your engagements with us, the Artifices of the French have not hitherto been able to seduce you from your Old friends the English, and this faithfulness for which I hope you will continue to be famous, you will find equally to your Honour and for your Interest.

What is more to be avoided in private dealings than falsehood, a person who tells lies who is regardless of his promises is slighted and despised, and Nations that deserve the Title of Treaty breakers, that are not to be bound by the most solemn Covenants, but break the chain of Friendship, will soon fall into Contempt.

The Catawbaws are like you a War like and brave People, & we have always found them firm friends to us, at a conference that I lately had

had with them The King desired me, in the hearing of his Head Men, to write to you, and to complain of the conduct of your Young Men who have lately killed several of his People, he told me that some years ago I sent him to New York to make Peace with the Six Nations, and accordingly he and his Head men went and met your Sachems at Albany, that a Peace was there concluded in the presence of the Gov-ernor of New York, & of the Commissioner from this Province, to whom you gave the name — Orichwawaga, you shook hands and smoaked together, you eat drank and danced together, and buried all your hatchets deep in the Ground, and planted the Tree of Peace over them, that he and his men returned by Sea to South Car-olina and having the prospect as they thought of perpetual Peace, and imagining they should have no further occasion for Arms, they threw away their Tomawhawks and Warlike Gear in the Salt water, so deep that they might never be found again, either by the present generation or their posterity, that it might be for ever forgot that differences had ever subsisted

betwixt

betwixt the Six Nations and the Catawbaws; But he says that your young men have dug up some of the Hatchets, & have come against his nation and killed some of his People, he hopes this has been done without the knowledge of the Sachems, and therefore he has desired me to write to you that a stop be put to it for tho' he has been told that the Sachems not only know but approve of it, yet neither he nor I can give credit to it. He laid fast hold of the chain at Albany, he still holds it fast, the part held by him is shining and strong, shall the other part held by the Six Nations be permitted to contract Spots and rust? and shall the links of it be suffered to break? I beseech you my good Friends correct these irregularities of your young men and wipe away the blood of your Brothers the Catawbaws that has been unjustly spilt. brighten up the covenant chain and Strengthen any of the links of it that may be in danger of decaying and giving way! that you may still continue to enjoy the Glorious Title of true and faithful friends.

The Catawbaws have further prayed me

to.

to acquaint you, that Six Indians who called themselves Mohawkes, and said they were sent by Moneatochia to desire the assistance of the Catawbaws Creeks and Cherrockees to their friends on the Ohio, came lately into their Nation from Virginia, that while in the Catawbaws Nation they were treated like Brothers, but in their way from thence to the Creeks, after they had left the Catawbaws five or six sleeps, about 150 Miles from their Nation, they met with a party of Chickesaws who took them for Enemies and Spies and tho' they said they came from the Government of Virginia yet there being no White man with them, and having no paper from the Governor of Virginia, nor any token from their own People, concluding them to be cheats they killed five of them on the spot, the other made his escape and got back to the Catawbaw Nation, but was there killed by two Cherrockees who in like manner took him for a spy, this was done in a House where there were but two Women and the Men immediately went off you may depend upon this as Truth - The Catawbaws you see cannot be charged with either of these affairs and

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I presume you will agree with me in Opinion that neither the Creek nor Cherrockees are much to blame. I condole with the Sachems for the loss of our Brothers these six Mohawks and I send a Belt of Wampum and some other presents to dry up their tears.

Since I have mentioned the Cherrockees I think it proper to let you know that I have also complaints against some of your Warriours who under colour of Friendship came into their Country and are entertained like Brothers and Friends, but that they seldom leave their Towns without leaving behind them marks of their being Enemies and generally carry away the Scalps of any that they meet near the Town, these are ill returns for their hospitality and no doubt when you know, that this is the behaviour of your People you will discountenance it, you are not unacquainted with the nature of Crimes and how necessary it is to discourage such as commit them and as the two greatest crimes that can be committed are Treachery & ingratitude I hope you will shew your abhorrence of them by doing everything in your power to prevent any of

Your

your People being guilty of them.

Enclosure (No 5.) N. 121.

South Carolina Jan 1755

Sir.

Your letter of the 28th of October was lately delivered to me by Captain Legge. I immediately laid it before the Council, and they were of Opinion that it would not be proper to return an Answer until the arrival of Mr Clelland and Mr Kragg. two of the Members of that Board, who were hourly expected from Virginia, these Gentlemen are now here, but as some others of the Council are now in the Country, it is thought adviseable to post-pone any answer till they come to Town which will not be till after the Holy-days, however all agree that no time is to be lost in sending to you for the assistance you promised for building the Fort in the upper Cherrokee Country.

The Letter that you sent me inclosed contains His Majesties Orders and Instructions to me for building that Fort and for such sums to defray the expence as shall be agreed upon betwixt you and me, which you are to remit out of the Money

for

for which the £10,000 Credit is given you, and I hope you will agree with me that the expence cannot be less than £7000 - Sterling. 'Tis true I have been formerly of Opinion that it might have been done for £3000. but that was long before my late Journey to the Cherrokees. which gave me clearer Notions of things. Besides the face of Affairs is much altered in those Countries since that time. The Cherokees were then in Peace with all the French Indians, but having rejected the proposals made them last year by the Shawanees and Tawaws to join in War against Carolina, they have been ever since harrassed by these - Nations and other French Indians, who have destroyed many of them, and they expect them back this Summer in far greater numbers. We must therefore have Soldiers to guard and Defend our People while at Work. Our Independant Companies would have been of Signal service upon this occasion, but one of them is in Georgia, and another in Virginia, and many of the Soldiers belonging to the other Company do Duty in Forts where their service is absolutely necessary. It would be imprudent to carry fewer than 300 men had

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we nothing to apprehend but from Enemy Indians, but surely nobody can be of Opinion that this number is too great, for it is more than probable that when the French find that they are to meet with great resistance in the Execution of their Schemes upon the Ohio, they will fall down that River and go up Tennessee, which two Rivers unite their Streams, and it is to be feared they too well know the little resistance that they are likely to meet there. But it appears to be of as great consequence to the British Interest to secure Tennessee River, upon which depends the safety of this Province, as the Ohio, and here I again repeat what I have said in another letter, that nobody can think they will attempt the Conquest of the powerful Province of Virginia, situate as it is betwixt two other very populous Provinces. They may indeed make a Feint to draw the attention of the Mother Country, or the force of the Provinces that way, but their real design must be on Carolina for it is easy to cut of a corner.

A small Fleet from France, which may be alledged to be bound for their Sugar Colonies, will give no Jealousie, they may touch and refresh at

at these Islands, and as at present there is no want of Regular Troops there, and at all times plenty of Ships for Transports, they may be there considerably re-inforced, from thence their road to this Province is all the way before the Wind, should there be any understanding betwixt France and Spain, they may be ordered to call at the Havannah Expaccent, there to take in a second supply if wanted, and as France and Spain were both in possession of this country before the English it may perhaps give them the greater desire to re-possess it. If France could Monopolize the Rice & Indigo Trade, if she could from hence easily supply her Sugar Colonies with plenty of Provisions, with Lumber Horses & whatever else they want If she had such a Port in the Atlantick Ocean as Port Royal where a large Fleet of fifty Gun Ships might lie in a healthy plentyful country, where they would never be frozen up what a figure would she make in the Commercial World? what wonders might she not Atchieve in America?

I will run a Paralel between Virginia and Carolina but as the French cannot be insensible of the many difficulties they must encounter in a

any

any attempt upon your Province, it is therefore to be apprehended that their designs is against this.

Our whole Militia does not amount to .. 7000 men and as none of our People applys themselves to Manufactures of any kind their Habitations cannot be Contiquous, a Spot of good Land will tempt a Planter to the most remote and lonely part of the Province, there 7000 men are by this means thinly spread over a widely extended country, some of them being 200 Miles from Charles Town you may judge what a small portion of Our strength could be exerted upon any emergency more especially when it is also considered that tho' we have not 7000 Men, we have 50,000 Negro slaves to whom no doubt an Invader would proclaim Liberty upon their Joining them, yet notwithstanding that this is a true discription of the condition and circumstances of this country the greatest danger that threatens us is that some time or other the French may by force or fair means make themselves Masters of the Indian Nations around us If they build a Fort upon Tennessee River in the Cherrokees before the English have an opportunity of doing it they will command the Overhills Towns

these

these are Mother Towns that sway and command the whole Nation, and whoever is Master of the Cherrockee Nation is Master of the Key of Carolina and I have described the consequences too truly in my letter of the first of June to which I refer you It is therefore my sincere Opinion and it would not be difficult to demonstrate it that it is of great importance to have a good Substantial Fort immediately built in the Upper Cherrockee Country upon Tennessee River and by that means keep the French and their Indians from that Nation as it is to drive them from the Ohio but I need say no more upon this Subject since you say in your letter that you are of Opinion that it is absolutely necessary and that the sooner it began the better.

It is proposed to raise 3 independant Companies upon the same footing and establishment with the Carolina Companies, each Company to consist of One Captain, two Lieutenants, one Ensign 4 Sergeants 4 Corporals 2 Drummers and 100 private men and I am of Opinion it will take 300 of them for near three months to execute the above work while the other hun-

-dred

-dred serve as Guards &c for it is to be consider-
-ed that all the Ground is to be cleared not
only where the Fort is to stand but for a great
way round it to prevent the approach of an
Enemy undiscovered - there must be also a
large field cleared for planting Provisions
for the Men who are to be left in Garrison
there must be a breast work thrown up all
round the Ground where the Fort is to be built
and at a good distance from it with small
Salliant Angles here and there in the nature
of a line of Circumvallation, to prevent a sur-
prize and that the Men may not be insulted
while at work; and as all the Men are unacquain-
-ted with the manner of working at Forts much
time will be lost in the beginning, the Weather,
Sickness & Disturbances from without may also
prove great hindrances to the Work so that three
Months is the least that can be allowed for
it the distance from hence being 500 miles the
Men must be allowed Six Weeks to walk thither,
and Six Weeks more must be allowed for their
Return which making 3 Months more the
whole cannot be finished in less than half a
year

year but it will hardly be possible to find Men willing to list for so short a space since it is to prove one constant Tour of Fatigue, and many of them who have little Plantations will lose the opperteunity of raising Provisions for a whole year however I shall make the Calculation for half a year only viz:

To levy Money for 300 Men	£ 300.	—	—
To pay of 3 Independant Companies for half a year exclusive of the Country Pay, but including the Stoppages for Cloathing (as they must find their own Cloaths) which will put them on the same footing with the men raised in Virginia.	2790.	15.	—
To carriage of half a years Bread or Flour for them.	1374.	—	—
To drawing the Cannon.	470.	—	—
To 200 Men at 1/- p Day for 3 months at Work upon the Fort.	900.	—	—
To an Ingenier and Sub Ingenier.	250.	—	—
To a Carpenter and 2 men.	100.	—	—
To a Smith	50.	—	—
To purchase & carriage of Tools of all sorts	150.	—	—
These several Sums amount to	£ 6384.	15.	—

Besides the first cost of Ammunition The Carriage of the Men's Baggage and it must also be considered that by this Scheme the Men are to purchase all their own Provisions, even bread, however as that must be carried to them Cattle must be driven which will cost a large sum.

There will be other Contingencies so that I am clearly of Opinion that the Work cannot be done for less than £7000 Sterling I say this from some knowledge in Fortification I also speak from Experience, if you think that it may be done for less, point out any of the Articles in which you think I err. if we agree remit the Money or Bills of Exchange upon London or write me a letter impowering me to draw for so much out of the Money for which the £10,000 Credit is given you.

I enclose the Address of the Assembly of this Province and I do assure you we are all much in earnest to give assistance to you. I think it certain that they will give £20,000 our Currency which wants little of £3000 Sterling.

I send you inclosed the copy of a letter wrote by me to the Catawbaw Nation lately and also

also a copy of one wrote to the Cherokees whom I expect here about the Middle of next Month by the whole Tenour of that letter you will perceive that I point out to these Indians to go to your Assistance I hope this Express will be returned before they go from hence which will enable me to talk much more clearly to them upon that head but however in all events I may venture to assure you of a considerable body of them after we begin upon the Fort for the Men we send will not only secure these at Work but will protect the Women & Children of the Warriours while they may be gone to the Ohio. I therefore earnestly request you not to detain this Express.

I have enclosed my Speech to this new Assembly and by their Address they have in a manner bound themselves to contribute to the Assistance of Virginia I intend soon to have it brought upon the Carpet which I could not hitherto do as the House I know would not proceed upon no Business of consequence till the Vacancies which unavoidably happen at a new Election were filled up. I dare not promise any

certain

certain sum but I am pritty sure it will be more than you had from New York.

I am

Robt Dinwiddie Esqr Sir

Lieut. Govr of Virginia. your most Obedient

Humble Servant

James Glen

By the letter to the Cherrokees you'l perceive that the Creeks are to be here at the same time, I make no doubt of being able to persuade some of them to join the Creeks.

B.P.R.O. So. Carolina B.T. Vol. 18 K. 113.

(24 June 1755.)

At the Council Chamber Whitehall
the 24th of June 1755

Present

The Lords Justices in Council.

Whereas the Lords Commissioners for Trade and Plantations have this day laid before the Lords Justices at this Board (Pursuant to their Excellencys Order for that Purpose) a Warrant directing and requiring Wm Henry Lyttleton Esqr Governor of His Majesty's Province of South Carolina, to swear and admit James Michie Esqr to be of His Majesty's Council in the said Province, in the room of William Bull Esqr deceased — And the Lords Justices in Council, having been pleased to approve of the said Warrant (which is hereunto annexed) do hereby Order, that Claudius Amyand, and James Rivers Esqrs, Secretarys to the Lords Justices, do lay the said Warrant before them for their Signature. —

A true Copy
W. Sharpe.

Recd July 11d
Read — 16d } 1755.

B.P.R.O. So. Carolina B.T. Vol. 18. K. 114

(24 June 1755.)

At the Council Chamber Whitehall
the 24th day of June 1755.

Present

The Lords Justices in Council.

Whereas by Commission under the Great Seal of Great Britain, the Govr Council and Assembly of His Majestys Province of South Carolina, are authorized and empowered to make, constitute and Ordain Laws, Statutes and Ordinances, are to be, as near as conveniently may be, agreeable to the Laws and Statutes of this Kingdom, and to be transmitted for His Majestys Royal Approbation or Disallowance - And Whereas in Pursuance of the said Powers, An Act was passed in the said Province, in the year 1738, and transmitted, Entituled as follows - viz:

"An Act for easing the Port charges to coasting "vessels entering into and clearing out from Port to "Port within this Province and to prevent any Im- "potent Lame or Infirm Person or Persons being "imported brought to or loaded in any Port within "this Province, who shall be likely to become Burthe- "some

some, or be a Charge to the Publick. —

Which Act, together with a Representation from the Lords Commissioners for Trade and Plantations proposing the Repeal thereof, having been referred to the Consideration of a Committee of the Lords of His Majestys most Honoble Privy Council for Plantation Affairs — The said Lords of the Committee did this day Report to the Lords Justices as their Opinion, that the said Act ought to be repealed. The Lords Justices taking the same into Consideration were pleased with the Advice of His Majestys Privy Council to declare their Disallowance of the said Act And Pursuant to the Lords Justices Pleasure thereupon expressed, the said Act is hereby repealed, declared void and of none Effect. — Whereof the Governor or Commander in Chief of His Majesty's Province of South Carolina for the time being, and all others whom it may concern, are to take Notice and Govern themselves accordingly.

A true Copy
W. Sharpe.

Read July 9th 11th
Read — 16th } 1755.

B.P.R.O. S. Carolina B.T. Vol. 18. K. 115.

(24 June 1755.)

At the Council Chamber Whitehall
the 24th day of June 1755.

Present

The Lords Justices in Council.

Whereas the Governor of His Majesty's Province of South Carolina, with the Council and Assembly of the said Province, did in May 1754, Pass an Act, which hath been transmitted, in the Words following - Viz.

"An Act for incorporating the Charles Town Library Society". -

Mem.d. here the Act was inserted at length.

And Whereas the said Act, together with a Representation from the Lords Commissioners for Trade and Plantations thereupon having been referred to the Consideration of a Committee of the Lords of His Majesty's most Honourable Privy Council for Plantation Affairs, the said Lords of the Committee did this day Report their Opinion to the Lords Justices, that the said Act was proper to be approved. The Lords Justices taking the same into Consideration, were pleased with the Advice of

of His Majestys Privy Council, to declare their Approbation of the said Act; and Pursuant to the Lords Justices Pleasure thereupon expressed, the said Act is hereby Confirmed, finally Enacted, and Ratified accordingly — Whereof the Govr or Commander in Chief of His Majestys Province of South Carolina for the time being and all others, whom it may concern, are to take notice and Govern themselves accordingly. —

A true Copy
W. Sharpe.

Recd July 11th
Read — 16th } 1755.

B.P.R.O. So Carolina B.T. Vol. 18. K. 109

(24 June 1755.)

At the Council Chamber Whitehall
the 24th day of June 1755
Present
The Lords Justices in Council.

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 13th of this Instant in the words following (viz.)

'In Obedience to Your Excellencys Order in Council of the 10th of this Instant referring unto this Committee a Representation from the Lords Commissioners for Trade and Plantations recommending James Michie Esqr to be appointed of His Majestys Council in the Province of South Carolina, in the room of William Bull Esqr deceased, being a person every way qualified to serve His Majesty in that Station - The Lords of the Committee have this day taken the said Representation into their Consideration and do thereupon agree humbly to report, that they have no Objection to Your Excellencys appointing the said James Michie to be of the Council in South Carolina in the room of

of the said William Bull deceased. —

The Lords Justices this day took the same into consideration, and were pleased, with the Advice of His Majestys Privy Council to approve thereof, and to Order as it is hereby Ordered, that the said James Michie Esqr be constituted and appointed a Member of His Majestys Council in the said Province of South Carolina, in the room of the said William Bull deceased - And that the Lords Commissioners for Trade and Plantations do cause a Warrant to be prepared for that Purpose and lay the same before the Lords Justices at this Board.

W. Sharpe.

Recd June —
Read July 24th } 1755.

B. P. R. O. So Carolina B. T. Vol 18. N. 110

Crowfield hall 17th June 1755

My Lords

Having determined to make my future Residence chiefly if not entirely in England, as Governour Lyttleton is about to embark for South Carolina, I take this opportunity, with intent that His Majesty's Service may be most effectually promoted, to resign my Seat in the Council of that Province, desiring that your Lordships will be pleased to recommend to His Majesty some other Gentleman in my Stead

I am

My Lords

your Lordships most obedeat humble Servt

William Middleton

Rec^d June –
Read July 1st } 1755

B. P. R. O. So Carolina B. T. vol. 28 p. 11.

(24 June 1755.)

To their Excellencies the Lords Justices.

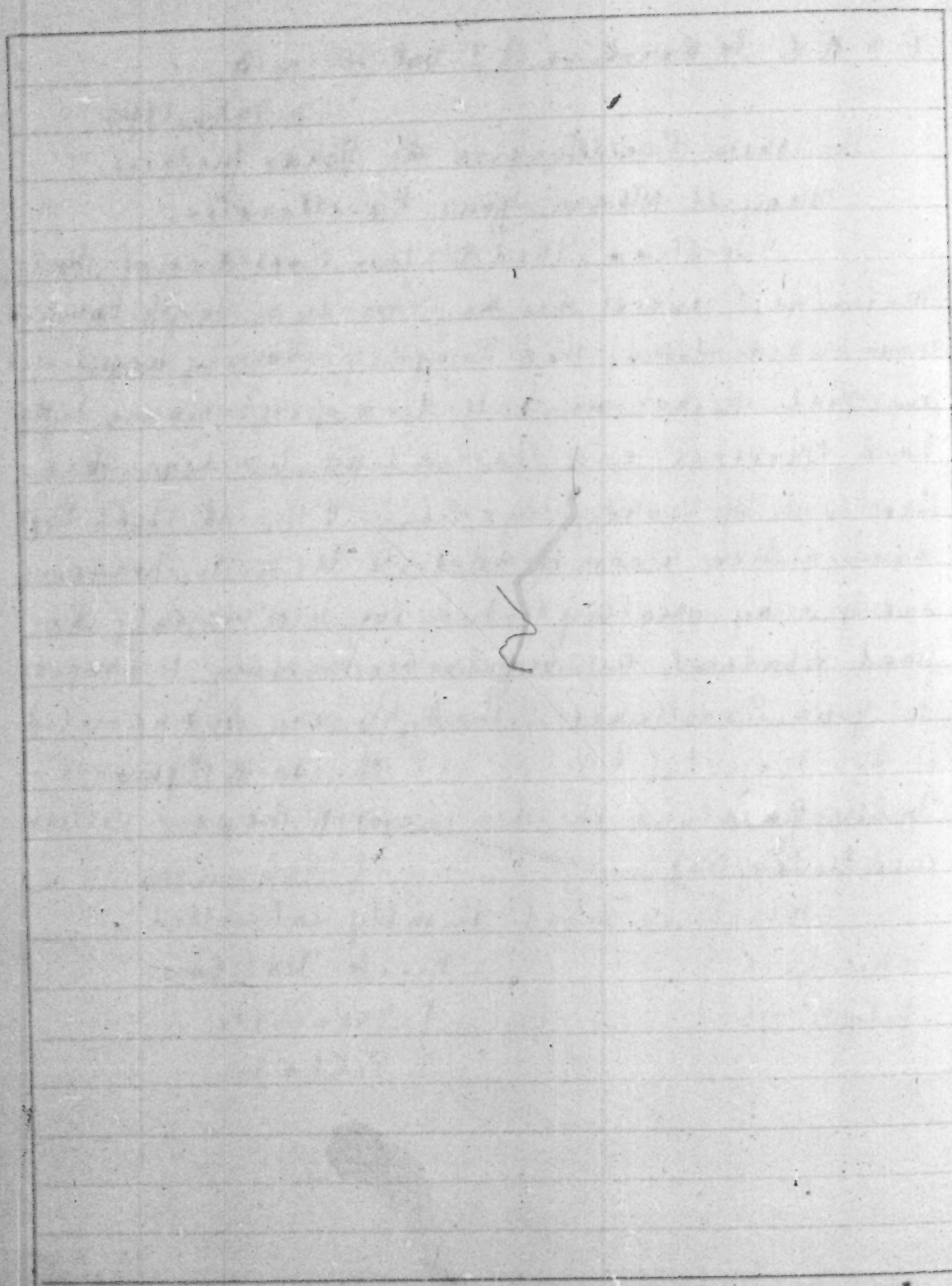
May it Please your Excellencies.

In Obedience to Your Excellencies Order in Council dated this day, We have prepared a Warrant, directing and requiring William Henry Lyttleton Esqr Governor of His Majesty's Province of South Carolina to swear and admit James Michie Esqr to be of His Majesty's Council in the said Province, in the room of William Bull Esqr deceased, and We humbly beg leave herewith to lay the said Warrant before Your Excellencies

Which is most humbly submitted

Dunk Halifax
T. Pelham
J. Grenville

Whitehall
24 June 1755



B.P.R.O. So Carolina B.T. vol. 28. p. 13.

(3 July 1755.)

To their Excellencies the Lords Justices

May it please Your Excellencies,

William Middleton Esqr One of His Majesty's Council in the Province of South Carolina, now resident in this Kingdom, having acquainted us, that he has no Intention of returning to the said Province, and desired leave to resign his seat in the said Council, & Othniel Beal Esqr having been recommended to Us as a person every way qualified to serve His Majesty in that Station, We beg leave humbly to propose to Your Excellencies, that he may be appointed of His Majesty's Council in the said Province of South Carolina in the room of the said William Middleton Esqr

Which is most humbly submitted

Whitehall
July 3d 1755.

Dunk Halifax
J. Grenville
T. Pelham.

B.P.R.O. So Carolina B.T. Vol. 18 K. 111

(11 July 1755)

Sir,

I laid before the Board your letter of the 9th of May last inclosing Copies of Two Acts passed in South Carolina, relating to the Entry of Vessels and the Commissioners having referred the same to their Solicitor he has reported "that he does not "see that anything in the first Law (which has "been in force near 60 years) relates to this Revenue, "and that the other Act is only explanatory of the former" I am directed to signify his opinion to you for the Information of the Lords of Trade, who am very truly

Sir

your most obedient
humble Servant
Wm Wood

Custom House
11 July 1755
Mr Pownall

Recd July 11th
Read — 16th } 1755.

B.P.R.O. S. Carolina B.T. Vol. 28. p. 114.

(12 Aug. 1755.)

To their Excellencies the Lords Justices.

May it please your Excellencies.

In Obedience to Your Excellencies Order in Council, dated this day We have prepared a Warrant directing and requiring William Henry Lyttleton Esqr His Majesty's Governor of South Carolina in America, to Swear and Admit Othniel Beal Esqr to be of His Majesty's Council in the said Province of South Carolina in the room of William Middleton Esqr who has resigned, and We humbly beg leave herewith to lay the said Warrant before your Excellencies

Which is most humbly submitted

Whitehall
August 12: 1755.

Dunk Halifax.
J. Grenville.
T. Pelham.
R. Edgcumbe.
J. Pitt.
Fran: Fane.

B. P. R. O. So Carolina B. T. Vol. 18. K. 122.

(12 Aug. 1755.)

At the Council Chamber Whitehall
the 12th day of August 1755.

Present

The Lords Justices in Council.

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 7th of this Instant in the Words following Viz.

"In Obedience to an Order in Council of the 22d "of last Month referring unto this Committee, a "Representation from the Lords Commissioners for "Trade and Plantations, setting forth, that William "Middleton Esqr One of His Majesty's Council in the "Province of South Carolina, now resident in this "Kingdom, hath acquainted them, that he has "no Intention of returning to the said Province, "and desired leave to resign his Seat in the said "Council; and Othniel Beal Esqr having been re-"commended to them as a Person every way quali-"fied to serve his Majesty in that Station, they "therefore propose, that he may be appointed of "His Majesty's Council in the said Province of "South

South Carolina in the room of the said William Middleton Esqr:— The Lords of the Committee have this day taken the said Representation into their Consideration, and do thereupon agree humbly to Report, that they have no Objection to your Excellencys appointing the said Othniel Beal Esqr to be of his Majesty's said Council in South Carolina in the room of the said William Middleton Esqr:—

The Lords Justices this day took the said Report into Consideration and were pleased, with the Advice of His Majesty's Privy Council to approve thereof, and to Order, as it is hereby Ordered, That the said Othniel Beal Esqr be constituted and appointed a Member of His Majesty's said Council in the Province of South Carolina in the room of the said William Middleton Esqr; and that the Lords Commissioners for Trade and Plantations do cause a Warrant to be prepared for that purpose, and lay the same before the Lords Justices at this Board.

Wm Sharpe.

Recd
Read } Augt 12d 1755

B. P. R. O. So Carolina B. T. Vol. 18. K. 123.

(12 Aug. 1755)

At the Council Chamber Whitehall
the 12th day of August 1755.

Present

The Lords Justices in Council.

Whereas the Lords Commissioners for Trade and Plantations have this day laid before the Lords Justices at this Board (Pursuant to their Excellencys Order for that purpose) a Warrant directing and requiring William Henry Lyttleton Esqr Governor of His Majestys Province of South Carolina to swear and admit Othniel Beal Esqr to be of His Majestys Council in the said Province in the room of William Middleton Esqr who has resigned - And the Lords Justices in Council having been pleased to approve of the said Warrant (which is hereunto annexed) Do hereby Order that Claudius Amyand, and James Rivers Esqrs Secretarys to the Lords Justices, do lay the same before them for their Signature.

A true Copy
W. Sharpe.

Recd Aug 31st
Read Oct 9th } 1755

B P R O Ay A I Vol 74.

Circular to Governors in N. America

Whitehall Augt 28th 1755.

Sir

The Lords Justices having thought it neces-
sary to appoint, without Loss of Time, a Commander
in Chief of His Majestys Forces in North America,
in the Room of the late Major General Braddock
who was killed in the unfortunate Affair of the
9th of last Month on the Monongahela; I am to
acquaint you, that Major General Shirley is ordered
to take upon him, till His Majesty's further Pleasure
shall be signified, that Command, with like Powers,
with which Major General Braddock held the same;
and as Mr Shirley is furnished with Copies of every
Order, Letter and Instruction, that has been sent from
hence, at any Time, to, or received from His Pre-
decessor, you may correspond with Him, and apply
to Him upon Every occasion, and upon all Points,
in such manner as you was empowered to do, to
Major General Braddock, and you will not only
regularly observe such Directions, as you shall receive
from Him thereupon; But will also transmit to
Him forthwith Copies of your whole Correspondence

with

with the late Major General Braddock, since His first Arrival in North America.

I am &c.

T. Robinson

B P R O Ac Yr I Vol 74

Whitehall 29th Augt 1755

Govr Lyttelton

Sir,

As Lieut Governor Dinwiddie acquainted me by his Letter of the 12th of February, that he had remitted the Sum of £1000 to Govr Glen, to be applied for the Building of a Fort in the Cherokee Country, & for making Presents to the Indians in Order to engage and secure them in the British Interest, & as Govr Glen has never sent any account of the Application of that Money, I am to desire you will make Enquiry into this Affair, and transmit to me a Relation of what has been done thereupon.

I cannot too much recommend to you to be attentive to the Motions of the French, in Consequence of the unfortunate Defeat of the King's Troops on the Monongahela, in case the same should be directed towards your Government, or the adjacent Parts, & I send you inclosed the Copy of a Paper that has been put into my Hands by a Person well acquainted with the Situation and Circumstances of your Colony. I am &c T Robinson

as

(Inclosure)

As on occasion of the late Defeat of General Braddock, among other ill Consequences arising to Our Interest among the Indians, the French may improve their advantage so far as to obtain the Consent of the upper Cherokees, which they have for many years by all Arts endeavoured to obtain for building a Fort among them, on the other side of the Mountains, before the arrival of Mr Lyttelton Governor of South Carolina, by which means it may be out of his Power to put in Execution his present Instruction relative to that Object, it is humbly proposed, that it be forthwith recommended to the said Governor, in such case, without the least Loss of Time to Secure effectually the Passes over the Mountains into the Middle & lower Settlements of that Nation (whose Towns extend in the whole near one hundred & forty Miles) in order to prevent the further Progress of the French & the Incursions of themselves & their Indians into the Back Settlements of South & North Carolina & Georgia, as well as the total Defection of the Cherokees themselves, Which last Event would in all probability be followed by a general revolt, among the South Indian Nations, And to acquaint the

General

General Assembly of South Carolina, as that Province hath hitherto reaped almost the sole Benefit of the Beneficial Commerce of the said Nation, yet hath done nothing for their Security against the French, tho many years importuned to do it. That His Majesty cannot but expect that they will immediately enable the said Governor fully to execute the said Measures.

B. P. R. O. Ad. M. I. Vol 69.

Sept. 7th 1755

On board the Formidable In the Harbour of Brest

Sir

I have writ by this Post a letter to his Grace the Duke of Newcastle to inform him of some further particulars concerning the misfortune that has befallen me & my present Situation than his Grace could have learned from the Letter I wrote the 4th Inst. to Lord Halifax in case it came safe to his hands. I will beg leave to give you the same relation which I have addressd to his Grace

On the 13th of August the Blandford fell in with a French Squadron under the Command of the Comte du Guay between nine and ten at night in the latitude of 42 & after receiving some Cannon Shot & two vollies of small Arms Captain Watkins thought proper to surrender he ordered a broadside to be fird but his Gunner answered there was no priming in his Guns & at that time there was a Seventy four Gun Ship within Pistol Shot to the Larboard of us & a frigate of thirty a Stern of us within

within the same distance. I sunk my Instructions & all my Papers of Consequence. Nobody was killed or wounded but five Cannon Shot took place in different parts of the Ship. The next day I was carried on board the Commodore who brought me into this Port the 3rd Inst.t I have been treated with the utmost Civility by him and his Officers; My Bagage has been carefully preserved, I remain at present on board but a resolution is taken to send me to Morrow to Rennes the Capital of this Province. The Intendant has supplied me with fifty Louis d'ors and offers me any further Sum I may have occasion for. The Vehicle necessary for my Journey will be provided at the King's Expence. I would not have mentioned all these particulars but that I conceive it may be important to such French Officers as may be taken that you should be informed of them.

I send this Letter inclos'd in one to Mons.r de Berkenrode the Dutch Embassador at Paris whom I have entreated to interest himself to procure my liberty & if I should be permitted to return to England upon giving my parole not to serve against France untill some French Subject is exchanged for me, or I am upon some other foundation declar'd free

free by the Courts of France. I humbly apprehend no ill consequence can arise from it & I have wrote to Monsr. de Berkenrode to that effect, but If he should obtain an immediate permission for me to return upon these terms, I will endeavour to stay long enough in France to receive any Instructions concerning this or any other matter, which you may think proper to honour me with. I rely very much upon your favour & protection & am with the greatest respect

Sir

Your most obedient
& most humble Servant
William Henry Lyttelton

Right Honble Sir Thomas Robinson

B P R O Ax H I Vol 69.

(21st September 1753)

Sir

Although the manner in which you have been pleas'd to receive those reasons which I had the honour to state to you in explanation of my Conduct leaves me no room to doubt that it is perfectly free from Censure, I have taken the Liberty to inclose a Paper to you in which I have endeavour'd to put them in the clearest & strongest light persuaded as I am from the many proofs I have had of your favour & protection that you will make use of them or not as you shall judge will be most advantageous to me. I will only beg leave to remark in addition to them that the only Instruction I ever received or that is ever given to other American Governors is, not to return to Europe without leave which presupposes that the Governor has actually taken possession of his Government, & can in no wise affect my case. I propose to pay my duty to the King next Tuesday but should be happy to learn from you that his Majesty is graciously pleas'd to be satisfied with my Conduct

I

I am with the greatest respect
Sir
Your most obedient & most
obligd humble Servant
William Henry Lyttelton

Hill Street
Sept. 21st 1765

On

On the thirteenth of August in the Latitude of
42 His Majestys Ship the Blandford of twenty Guns
Captain Watkins Commander on which I was embark'd
fell in with the French Squadron under the Command
of the Count du Guay between nine & ten at night
which Squadron consisted of six Ships of the Line
& three Frigates. Two Ships appeared to give us chace,
upon which Captain Watkins ordered his Men to their
quarters, The foremost of these hailed us in English
& was answered that it was the Blanford Captain
Watkins, but she still advanced upon us till she came
close along side of us, & then the same person who
had hailed us said, If you dont send your Boat
we will fire upon you. To this no answer was
returned & the French Ship which proved to be a Frig
-ate of thirty Guns falling a Stern of us fir'd nine
Cannon Shot & two Vollies of small Arms. By this
time the other Ship which mounted Seventy four
Guns was come round within Pistol shot on our
Larboard; Captain Watkins ordered a Broadside to
to be fird upon this Ship, but his Gunner answer-
-ed their was no priming in his Guns, His Lieutenant
then came upon the Quarter deck & seeing the Posi-
-tion of the French Ships said to the Captain Sir,

Here

There is nothing to be done you are Surrounded or words to that effect & indeed at the time when he said this, the whole Squadron was at a very little distance from us. Hereupon Captain Watkins directed Major Prevost a Swiss Officer on board to say in French that the Boat should be sent which he did accordingly. I then went down into the Cabin & sunk my Instructions & other Papers of consequence, & soon after a French Lieutenant with a party of Men came on board & took possession five Cannon Shot took place in different parts of the Ship but nobody was kill'd or wounded. The next morning I was carried on board the Commodore who immediately told me he had orders to make reprizals in consequence of the Capture of two French Men of War by Admiral Boscawen's Squadron in North America, he afterwards acquainted me more particularly with the tenor of the Orders he had received viz. That he should meet with but not molest any English Merchant Ships unless he should be well & sufficiently inform'd that that the English had made prizes of French Merchant Ships, he continued to Cruize between the Latitudes of 43 & 46 till the first of September & on that day the wind coming fair he shaped his Course to-

wards

wards Brest & on the 3d at night arrived safe in the road with three Ships of the Line & three frigates having the day before detached three other Ships of the Line with orders to proceed to Rochefort. On the 4th Monsr Hoquart Intendant of the Marine at Brest came on board the Commodores Ship where I then was & acquainted me that I must remain on board till he knew the Kings Pleasure concerning me I remonstrated against this treatment in strong terms desiring leave to go on Shore upon giving my parole not to attempt an escape a liberty allways allowed even to those who are taken in time of open War; but this was refused. On the 6th in the evening I was informd that it was resolved to send me at the Kings expence to Rennes the Capital of Brittany, & on the 8th in the Afternoon I set out for that City having first given my parole, on the 10th at seven in the morning a courier arrived at Guincamp a place where I then lay with Letters for me from Messrs du Guay and Hoquart acquainting me that Monsr du Guay had received the Kings Orders to release the Blandford the Officers and Seamen myself & other passengers & to permit them to follow their destination my parole was at the

same

same time returned to me. Hereupon I determined to proceed through France in my way to England & in my answers to Messrs du Guay & Roquart inform'd them of the resolution I had taken. I then continued my Journey towards Rennes but having been affectedly delayd under various pretences in that City nine hours during which time I had strong grounds to believe the Intendant had dispatched a Courier to acquaint the French Ministry with the step I had taken I thought it prudent to avoid entring Paris & by another road got to Cambray & Valenciennes through which Towns I passd without any impediment having given in a feignd name at the Gates & so went on to Brussels & embarkd at Ostend for England.

During the time I was on board the Count du Guay in the Road of Brest; he inform'd me that he had Orders not to unrig the Ships of his Squadron but to keep them in readiness to put to Sea again immediately, he also assured me that Orders were come to Brest to fit out twenty more Ships of the Line with all expedition I was also inform'd by several other Officers that Orders had been received to cause five hundred Marines under the Command of Monsr d'Argouges an Officer who is personally known

to

to me to march from Brest to Dunkirk that five hundred more would march thither from Rochefort & two hundred from Toulon in consequence of orders that were allready sent.

William Henry Lyttelton

Reasons

Reasons which induced Governor Lyttelton to return to England.

First, Because the Blandford Man of War in which I was taken having received considerable damage in different parts of her from the Fire of the French Ship, & her Provisions & Stores having served for the Subsistence of the French Officers & Seamen who were put on board, I judg'd it impossible for her to proceed on her Voyage to America without being refitted & revictualled, but the words of the Order sent by the French King concerning her which were communicated to me express'd only that she shou'd be releas'd & have liberty to follow her destination.

Secondly, Because having sunk my Instructions to prevent their falling into the hands of the French I conceiv'd that I cou'd not act properly in my Government untill I had receiv'd new ones although the Blandford had been in a Condition to carry me thither.

Thirdly, Because I judg'd that if I delay'd to return to England when my Parole had been restored to me, a Counterorder might possibly be sent to detain me afresh in case the Court of France receiv'd intelligence of any new hostilities committed by

by the English upon her Men of War or Merchantmen.
Fourthly, Because If such a Counterorder had been sent. It might have been necessary to purchase my Liberty by the release of some French Subjects of distinction

Fifthly, Because, I conceiv'd that some Intelligencies which I could give to his Majesty's Ministers might be of importance at this Critical Conjuncture.

William Henry Lyttelton

Monsieur

J'ai reçû le 15 de ce Mois une Lettre de Mr Lyttelton Gouverneur de la Caroline datée du 1er ecrite à bord du Formidable à la rade de Brest, par laquelle il me fait part de la prise de la Fregatte le Blandford, de sa detention, de meme que celle des Personnes de sa suite et du dessein qu'on avoit de l'envoyer le Lendemain à Rennes, et me prie qu'attendu qu'il n'y a point de Ministre de la grande Bretagne à Paris, d'employer mes bons offices pour Lui faire obtenir sa liberté avec la permission de s'en retourner au plutot en Angleterre

Deux jours avant la reception de cette Lettre, j'en avois reçû une de Mr Rouillé Ministre et Secretaire d'Etat de Sa Majesté Tres Chrétienne de laquelle je joins ici copie, Votre Excellence y verra les ordres donnés de la part de cette Cour pour rendre la liberté à Mr Lyttelton et à tous ceux qui se sont trouvés avec Lui, et pour faire la restitution de la fregatte

La Lettre de Mr Lyttelton me determina d'en demander hier à Mr Rouillé l'explication puis que sa detention soit à Brest ou à Rennes, paroissoit incompatible avec ce que Mr Rouillé m'avoit mandé par raport au voyage que Mr Lyttelton meditoit de faire

à

a Paris pour me parler, le Ministre m'a re-pondu par sa Lettre d'hier ce que V^tre Ex^ce trouvera dans la copie de cette Lettre pareillement ci jointe.

J'ai repondu á M^r Lyttelton á l'adresse qu'il m'avoit donné á Rennes qu'on Lui avoit accordé sa liberté, et que je l'attendois ici pour Lui donner le Passeport de cette Cour afin qu'il fait poursuivre son voyage en Angleterre.

J'ai cru, Monsieur, devoir mandera V^tre Ex^ce tout ce qui s'est passé á ce sujet d'autant plus que la Lettres de M^r Lyttelton á Votre Excellence et celle qu'il a ecrite á Monsieur Le Duc de Newcastle / que vous trouverés pareillement jointes ici / ont été ecrites par ce Gouverneur avant qu'il a reçû des nouvelles de Sa liberté et pourroient faire douter de la verité des Ordres que M^r Rouillé m'a assuré avoir été donnes tant pour la restitution de la fregatte que par raport á la liberté qu'on accordé á Mons^r Lyttelton.

Je profite avec plaisir de cette occasion pour assurer Votre Excellence qu'on ne sauroit etre plus parfaitement que je le Suis

Monsieur

De Votre Excellence

á Paris ce 17 Septemb 1755

Le tres humble & tres obeissant Serviteur

Berkenrode

A Versailles Le 13 Septembre 1733

recüe Paris 13 Septembre au Soir

Monsieur

Je suis informé que Mr de Lidleton Gouverneur de la Caroline et Mr Prevost qui etoient embarqués sur la frégate le Blandfort qui a été prise par Mr du Guay, ont demandé à Mr L'Intendant de Bretagne la permission de venir à Paris pour vous y entretenir, et qu'ils sont partis effectivement de Rennes Sur le compte que j'ai eu l'honneur d'en rendre au Roi, Sa Majesté m'ordonne de prier Vre Exce d'engager ces Messieurs dés qu'ils seront arrivés, et qu'ils auront terminé avec vous, Monsieur, les affaires qui les ont amenés a Paris, à repartir pour L'Angleterre, et à aller s'embarquer à Calais

Votre Excellence est informée des ordres que le Roi a envoyés à Nantes et à Brest de relacher sur le champ la Frégate, et de rendre la liberté à Mr de Lidleton et à tous ceux qui y etoient embarqués avec Luy. Un plus long sejour de ces Messieurs en France pourroit faire naitre quelque doute à Londres sur la verité des ordres que sa Majesté a jugé à propos de donner à l'occasion de la frégate le Blandfort.

J'ai

J'ai l'honneur d'etre tres parsaitement
Monsieur
De Vtre Exce
Tres humble & tres obeissant
Serviteur
Signé Rouillé

P. S

J'envoye á Bte E. Les Passeports necessaires pour Mr. de Sidleton et Mr Prevost

á

A Versailles le 4 Septembre 1753

Monsieur

J'ay apris depuis que je n'ay eu l'honneur de voir V.re Ex.ce que Mrs Sidleton et Prevost ont été informés etant encore á Rennes des ordres qui avoient été envoyez par la Cour pour leur liberté et la restitution de leur Fregate. J'ignore quel parti ces Mrs auront jugé a propos de prendre depuis, ny ce qu'ils sont devenus ainsi c'est á V.re Ex.ce á juger de la reponse qu'Elle doit leur faire et du lieu où Elle doit la leur adresser

Je suis un tres parfait att achement

Monsieur

De V.re Ex.ce

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Signé Rouillé

B.P.R.O. So Carolina B.T. vol. 28. p. 16.

(4 Nov. 1755.)

To the King's most Excellent Majesty.

May it please Your Majesty.

William Henry Lyttleton Esqr Governor of Your Majesty's Province of South Carolina, has represented to Us, that Your Majesty's Ship the Blandford on board of which he was repairing to his said Government, having on the 13th of August last been taken by a Squadron of French Ships of War, he thought it advisable, immediately upon her surrender, to sink in the Sea his General Instructions & those which relate to the Acts of Trade & Navigation. We have therefore prepared other Draughts of Instructions for Your Majesty's said Governor, which We humbly beg leave herewith to lay before Your Majesty.

In these Draughts We have made no alterations from the Instructions which their Excellencies the late Lords Justices were pleased to approve for your Majesty's said Governor, except only in the following Particulars. In that part of the first Article of the General Instructions, in which the names of the Members of Your Majesty's Council

are

are inserted, We have inserted the names of James Michie & Othniel Beale Esqrs who have since the date of the said former Instructions been appointed to fill two Vacancies occasioned by the Death of William Bull Esqr and the resignation of William Middleton Esqr.

And having been informed that sundry parcells of Land within the Nine Townships, laid out in pursuance of Your Majesty's Instructions to James Glen Esqr, late Governor of South Carolina, remain as yet ungranted, We have inserted some words in the 67th Article of these General Instructions, impowering Your Majesty's present Governor to make Grants of all such Lands within the said Nine Townships, free from the payment of Quit Rents for Ten Years after the date of such Grants respectively, such Exemption having by Your Majesty's said Instructions to Mr Glen been granted to all Persons, who should take up Lands within the said Nine Townships.

Which is most humbly submitted

Whitehall
Nov. 4. 1755.

R. Edgcumbe Dunk Halifax
J. Pitt. J. Grenville
T. Pelham

Instructions

Instructions to Our Trusty and Wellbeloved William Henry Lyttleton Esqr, Captain General and Governor in Chief, in and over Our Province of South Carolina in America. Given at Our Court the day of 1755 and in the 28th Year of Our Reign.

First. With these our Instructions you will receive Our Commission under Our Great Seal of Great Britain, constituting you Our Captain General and Governor in Chief in and over Our Province and Territory of South Carolina in America, you are therefore to fit yourself with all convenient Speed and to repair to Our said Province of South Carolina, and being arrived there, you are to take upon You the Execution of the Place and Trust We have reposed in you, and forthwith to call together the Members of Our Council in that Province viz^{t} — James Kinlock, Edmund Atkin, John Bel-land, Charles Pinckney, Alexander Vanderdussen, Edward Fenwick, Hector Berenger de Beaufin, Wil-liam Bull, William Wragg, George Saxby, James Michie, & Othniel Beal Esqrs

2. You are with all due and usual Solemnity to cause Our said Commission to be read and published

published at the said meeting of Our Council, which being done you shall then take and also Administer unto each of the Members of Our said Council the Oaths mentioned in an act passed in the first year of his late Majesty Our Royal Father's Reign Entituled, An Act for the further Security of His Majesty's Person & Government, and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants, and for extinguishing the Hopes of the Pretended Prince of Wales, and his open & secret Abettors, as also to make & subscribe and cause the Members of Our said Councill to make and Subscribe the Declaration mentioned in an Act of Parliament made in the 25th Year of the Reign of King Charles the 2d, Entituled, An Act for preventing Dangers which may happen from Popish Recusants, and you and every of them are likewise to take an Oath for the due Execution of your and their Places and Trusts with regard to your and their equal and Impartial Administration of Justice. And you are also to take the Oath required by an Act passed in the 7th & 8th years of the Reign of King William the third to be taken by Governors of Plantations to

do

do their Utmost that the Laws relating to the Plan-tations be observed.

3. You shall Administer or cause to be Administered the Oaths appointed in the aforesaid Act Entituled, An Act for the further Security of His Majesty's Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales & his open & secret abettors, to the Members, and Officers of the Council and Assembly and to all Judges, Justices and other Persons, that hold any Office or place of Trust or Profit in the said Province whether by Virtue of any Patent under the Great Seal of Great Britain or the Publick Seal of the said Province of South Carolina or otherwise, And you shall also cause them to make and subscribe the aforesaid Declaration, without the doing of all which You are not to Admit any Person whatsoever into any Publick Office nor suffer those that have been Admitted to con-tinue therein.

4. You are forthwith to communicate unto Our said Council such and so many of these

Instructions

Instructions wherein the Advice & Consent are mentioned to be requisite, as likewise all such others from time to time as you shall find convenient for Our Service to be imparted to them.

5. You are to permit the Members of Our said Council to have and enjoy freedom of Debate and Vote in all Affairs of Publick Concern that may be Debated in Council.

6. And Altho' by Our Commission aforesaid We have thought fit to direct that any three of the Council make a Quorum, It is nevertheless Our Will and Pleasure that you do not Act with a Quorum of less than Five Members unless upon Emergencies, when a greater number cannot conveniently be had.

7. And that We may be always informed of the names and Characters of Persons fit to supply the Vacancies which shall happen in the said Council, You are from time to time when any Vacancies shall happen in the said Council to transmit unto Our Commissioners for Trade & Plantations in Order to be laid before Us, the names of three Persons Inhabitants of the said Province

Province whom you shall esteem best Qualified for that Trust.

8. Whereas by Our Commission to You, You are empowered in case of the Death or absence of any of Our Council of the said Province to fill up the Vacancies in the said Council to the Number of seven and no more, you are from time to time to send Unto Our Commissioners for Trade and Plantations in order to be laid before Us, the Names and Qualities of any Member or Members by you put into the said Council by the first Conveyance after you so doing.

9th And in the Choice and Nomination of the Members of Our said Council As also of the Chief Officers, Judges, Assistants, Justices of the Peace and other Officers of Justice, You are always to take Care that they be Men of good Life, well affected to Our Government and of Abilitys suitable to their Employments.

10. You are neither to Augment and Diminish the number of Our said Council As it is hereby Established, nor to suspend any of the Members thereof without good & sufficient cause, nor without

without the consent of the Majority of Our said Council signified in Council after due Examination of the Charge against such Councillor, and his Answer thereunto, And in case of the suspension of any of them You are to cause your reasons for so doing together with the Charges and Proofs against the said Persons and their Answers thereunto, to be duly entred upon the Council Books, and forthwith to transmit Copies thereof to Our Commissioners for Trade and Plantations, in order to be laid before Us, Nevertheless if it should happen that you should have reason for suspending of any Councillor not fit to be communicated to the Council, you may in that case suspend such Person without their Consent, But you are thereupon immediately to send to Our Commissioners for Trade and Plantations in order to be laid before Us An Account of your Proceedings therein, with your reasons at large for such suspension, as also for not communicating the same to the Council, and Duplicates thereof by the next opportunity.

II. And whereas We are sensible that effectual care

care ought to be taken to oblige the Members of our said Council to a due attendance therein in order to prevent the many inconveniencies that may happen for want of a Quorum of the Council to transact Business as Occasion may require; It is Our Will & Pleasure that if any of the Members of Our said Council residing in the Province shall hereafter willfully absent themselves from the Province, and continue Absent above the space of Twelve months without leave from you or from the Commander in Chief of the said Province for the time being first obtained under Your or his hand and Seal, or shall remain Absent for the space of two Years successively without Our leave given them under Our Royal Signature, their Place or Places in the said Council shall immediately thereupon become void. And that if any of the Members of the said Council residing in the said Province shall willfully absent themselves hereafter from the Council Board when duly summoned without a just and lawful cause and shall persist therein after admonition You suspend the said Councillors so Absenting themselves

themselves till Our further Pleasure be known, giving timely notice thereof to Our Commissioners for Trade and Plantations, in order to be laid before Us; And We do hereby Will & require you that this Our Royal Pleasure be signifyed to the several Members of Our said Council, And that it be entred in the Council Books of the said Province as a standing Rule.

12. You shall take care that the Members of the Assembly be Elected only by the Freeholders as being more agreeable to the Custom of this Kingdom to which you are as near as may be to conform yourself in all particulars.

13. And whereas the Members of several Assemblys in the Plantations have frequently assumed to themselves Priviledges no ways belonging to them, especially of being protected from Suits at Law during the term they remain of the Assembly, to the great prejudice of their Creditors, and the Obstruction of Justice, And some Assemblys have presumed to adjourn themselves at pleasure without leave from Our Governor first obtained, and others have taken upon them the sole framing of Money Bills,

refusing

refusing to let the Council alter or amend the same; all which practices are very detrimental to Our Prerogative. If upon your calling an Assembly in South Carolina you find them insist upon any of the above said Privileges You are to signify to them, that it is our Express Will & Pleasure that You do not allow any Protection to any Member of the Council or Assembly further than in their Persons, and that only during the Sitting of the Assembly, and that you are not to allow them to adjourn themselves otherwise than de die in diem, except Sundays and Holidays without leave from you or the Commander in Chief for the time being first obtained. It is also Our further Pleasure that the Council have a like Power of framing Money Bills as the Assembly.

14. You are to Observe in the passing of all Laws that the Style of Enacting the same be by the Governor, Council & Assembly. You are also as much as possible to Observe in the passing all Laws that whatever may be requisite upon each different matter be provided for by a different Law, without intermixing in

in one and the same Act such things as have no proper relation to each other, And you are more especially to take care that no Clause or Clauses be inserted in or annexed to any Act which shall be foreign to what the Title of such respective Act imports, and that no perpetual Clause be made part of any Tempor-ary Law, and that no Act whatever be sus-pended, Altered, Continued, Revived or repealed by general Words, but that the Title and Date of such Act so suspended, Altered, Continued, Revived or Repealed, be particularly mentioned and expressed in the enacting part.

15. And whereas several Laws have formerly been enacted in several of Our Plantations in America for so short a time that Our Royal Assent or refusal thereof could not be had thereupon before the time for which such Laws were enacted did expire, you shall not therefore give your Assent to any Law that shall be enacted for a less time than two Years except in the Cases hereinafter mentioned; And it is Our further Will & Pleasure, that you do not reinact any Law to which the Assent of Us

or

or Our Royal Predecessors has been once refused without express leave for that purpose first obtained from Us, upons a full Representation by you to be made to Our Commissioners for Trade & Plantations in order to be laid before us, of the reason and necessity of Passing such a Law nor give your Assent to any Law for repealing any other Law passed in your Government whether the same has or has not received Our Royal Approbation, unless you take care that there be a Clause inserted therein suspending and deferring the Execution thereof untill Our Pleasure shall be known concerning the same.

16. And whereas great Mischiefs do arise by passing Bills of an unusual & extraordinary Nature & Importance in the Plantations, which Bills remain in Force there from the time of enacting untill Our Pleasure be signifyed to the contrary. We do hereby Will & require you not to pass or give your Assent to any Bill or Bills in the Assembly of the said Province of unusual & extraordinary Nature & importance, wherein our Prerogative or the Property of Our Subjects

may

may be prejudiced, now to any Bill or Bills whereby the Trade or Shipping of this Kingdom may be any ways Affected untill you shall have first transmitted unto the Commissioners for Trade and Plantations, in order to be laid before Us, the Draught of such a Bill or Bills, & shall have received Our Royal Pleasure thereupon, unless you take care that in the Passing of any Bills of such nature as before mentioned there be a Clause inserted therein, suspending the deferring the Execution thereof until Our Pleasure shall be known concerning the same.

17. You are also to take care that no private Act whereby the Property of any Private Person may be affected be passed in which there is not a saving of the Right of Us Our Heirs and Successors, all Bodies Politick & Corporate, and of all other Persons except such as are mentioned in the said Act, and those claiming by, from or under them; And further you shall take care that no such private Act be passed without a Clause suspending the Execution thereof untill the same shall have received Our Royal Approbation; It is likewise

our

our Will & Pleasure that you do not give your Assent to any Private Act untill proof be made before you in Council and entred in the Council Books that publick Notification was made of the Parties intention to apply for such Act in the several Parish Churches where the Premises in Question lye for three Sundays at least successively, before such Act was brought into the Assembly, And that a Certificate under your Hand be transmitted with & annexed to every such private Act, Signifying that the same has passed thro' all the Forms above-mentioned.

18. Whereas many of the Laws heretofore passed in Our Colonies and Plantations in America respectively have from time to time been either entirely or in part repealed, and others of them are expired, altered, amended or Explained, by means whereof Persons not well acquainted with the said Laws may be led into Mistakes and great Prejudice and Inconvenience may arise to Our Service, and whereas nothing can more effectually tend to promote order and good Government, secure the

the Properties and Possessions of Our Subjects & prevent Litigious Controversies and Disputes than a Clear and well digested Body of the Laws. It is therefore Our Will and Pleasure and You are hereby required and directed jointly with the Council and Assembly of the said Province of South Carolina forthwith to consider and revise all & every the Laws Statutes and Ordinances which are in force within the said Province excepting only such as relate to private Property or are otherwise of a private Nature, and in lieu thereof to frame and pass a compleat & well digested Body of new Laws for the said Province taking especial Care that in the passing of each Law due regard be had to the method and regulation prescribed by these Instructions to You, and that no Law of any kind whatsoever making a part of such New Body of Laws be passed without a Clause inserted therein suspending and deferring the Execution thereof untill Our Royal Will & Pleasure may be known thereupon, and it is our further Will & Pleasure that when the said New Body of

Laws

Laws shall have been so framed & passed as aforesaid, You do forthwith transmit each Law seperately under the Seal of the said Province together with every particular observation thereupon to Our Commissioners for Trade & Plantations, in order to be laid before Us in Our Privy Council for Our Royal Approbation or disallowance.

19. Whereas several Inconveniencies have arisen to Our Governments in the Plantations by Gifts and Presents made to the Governors by the General Assemblys. It is therefore Our express Will and Pleasure, that neither You Our Captain General & Governor in Chief nor any other Governor, Lieutenant Governor, Commander in Chief or President of the Council of Our Province of South Carolina for the time being do receive any Gift or Present from the Assembly or others or any Account or in any manner whatsoever without express Licence for that Purpose first had and obtained upon pain of Our highest Displeasure & of being recalled, But to the Intent that a proper provision may be made for the Support of Our Government you

are

are hereby directed to propose unto the General Assembly and use Your utmost endeavour that an Act be passed for raising and settling a publick Revenue for defraying the necessary charge of the Government of the said Province, and that therein provision be particularly made for a competent Salary to yourself as Captain General and Governor in Chief of Our said Province and to any other succeeding Captain General and Governor in Chief for supporting the Dignity of the said Office, as likewise due provision for the Contingent charges of Our Council and Assembly and for the Salaries of the respective Clerks and other Officers thereunto belonging as likewise of all other Officers necessary for the Administration of that Government and when such Revenue shall so have been settled and Provision made as aforesaid, then Our Express will and Pleasure is, that neither you the Gover-or nor any Governor Lieutenant Governor, Com-mander in Chief or President of the Council of Our said Province of South Carolina for the time being, do give your or their Consent to pass any Act in Our said Province for any Gift or

or present or for the Payment of any money to You or them or to any of the Members of Our Council or to any other Person whatsoever except to Us, Our Heirs and Successors, without a Clause be inserted therein declaring that the same shall not take effect untill the said Act shall have been approved and confirmed by Us, Our Heirs & Successors.

20. And We do further direct & require that this Declaration of Our Royal Will and Pleasure be communicated to the Assembly at their first meeting after your Arrival in that Province, and entred in the Journals of the Council & Assembly, that all Persons whom it may concern may govern themselves accordingly.

21. You are to take care that in all Acts or Orders to be passed within that Our Province, in any case for levying Money or Imposing Fines or Penalties, express mention be made, that the same is granted or reserved to Us, Our Heirs and Successors for the Publick uses of that Province and the support of the Government thereof, as by the said Act or Order shall be directed. And you are particularly

clarly directed not to pass any Law or do any Act by Grant, Settlement or otherwise, whereby our Revenue may be lessened or impaired, without our especial Licence or Command therein.

22. You are not to suffer any Public Money whatever to be issued or disposed of, otherwise than by Warrant under your hand by and with the consent of the Council, But the Assembly may nevertheless be permitted from time to time to view and Examine all Accounts of Money or value of money disposed of by Virtue of Laws made by them, which you are to signify unto them as there shall be Occasion.

23. You are not to permit any Clause whatever to be inserted in any Law for Levying Money or the value of Money, whereby the same shall not be liable to be Accounted for unto us, & to Our Commissioners of Our Treasury; or to Our high Treasurer for the time being and Audited by Our Auditor General of Our Plantations or his Deputy for the time being; and we do hereby particularly require and enjoyn you, upon pain of Our highest displeasure to take care, that fair Books of Accounts of all receipts and

and payments of all Publick Money be duly kept, and the Truth thereof attested upon Oath. And that all such Accounts be audited and attested by Our Auditor General of Our Plantations or His Deputy, who is to transmit Copies thereof to Our Commissioners of Our Treasury or Our High Treasurer for the time being, and that you do every half year or oftener, send another Copy thereof attested by yourself to Our Commissioners for Trade & Plantations & duplicates thereof by the next Conveyance: In which Books shall be specified every particular Sum raised or disposed of, together with the names of the Persons to whom any Payment shall be made, to the end we may be satisfied of the Right and due application of the Revenue of Our said Province, with the probability of the encrease or Diminution of it under every head or Article thereof.

24. And it is our express Will & Pleasure that no Law for raising any Imposition on Wines or other strong Liquors be made to continue for less than one whole year, and also that all other Laws made for the supply & support of the

the Government shall be without Limitation of time, except the same be for a Temporary Service & which shall expire & have their effect within the time therein prefixed.

26. Whereas it hath been represented to Us, that a large quantity of Paper Bills or Bills of Credit, are now subsisting & passing in payment within Our said Province of South Carolina, without any fund for calling in sinking & discharging the same, It is therefore Our Will & Pleasure, that you do as soon as conveniently may be, recommend to the Council & Assembly of Our said Province, to consider of a Law for establishing a proper Fund or Funds for calling in sinking & discharging the said Paper Bills or Bills of Credit now outstanding within a reasonable limitted time. And whereas great Inconvenience & Prejudice has arisen to the Trade & Commerce of Our Colonies by frequent and large Emissions of Paper Currency, It is therefore Our Will & Pleasure, that you do not upon any pretence whatsoever give your Assent to any Bill or Bills for issuing any further Quantity of Paper Bills or Bills of Credit without

Our

Our especial Licence for that Purpose, first had & obtained, untill the Assembly of Our said Province shall have made ample Provision for sinking & discharging the Paper Bills or Bills of Credit at present outstanding, within a reasonable limited time as aforesaid, and then only upon sudden & extraordinary Emergencies of Government, in the Cases of War or Invasion and upon no other Occasion whatever, And provided ye in every such Act so to be passed by you due [care] be taken to ascertain the real Value of such Bills of Credit & that an ample & sufficient Fund be provided for calling in sinking & discharging the said Bills within a reasonable time, not exceeding five years and Provided also that such Bills of Credit shall not be declared to be a Legal Tender in payment of any private Contracts, Bargains, Debts, Dues or Demands whatsoever, within Our said Province. And whereas it hath been a Practice within our sd Province of South Carolina, upon extraordinary Emergencies to pass Laws for the Emission of Publick Orders in the nature of Bills of Credit for defraying the Expences arising upon such Emergencies for the

sinking

sinking & discharging of which Provision has been made, by the several Laws by which they were emitted. It is therefore Our Express Will & Pleasure, that you do not upon any pretence whatsoever give your Assent to any Bill or Bills whereby the time limited or the Provision made for sinking & discharging such publick orders as may be at present outstanding within Our said Province, be protracted or postponed or whereby any of the said Orders shall be depreciated in value or whereby the same shall be ordered or allowed to be reissued, or to obtain a new and further Currency. But on the Contrary that you do take particular Care that the said Acts be punctually and faithfully complied with & the Publick Orders sunk & discharged according to the Tenor of & within the Periods limited by the said Acts.

26. And Whereas An Act of Parliament was passed in the 6th year of the Reign of Her late Majesty Queen Anne, Entituled An Act for ascertaining the Rates of Foreign Coins in Her Majesty's Plantations in America, which from time to time been instructed to observe and carry into

into due Execution, And whereas notwithstanding the same complaints have been made, that the said Act has not been Observed as it ought to have been in many of Our Colonies and Plantations in America, by means whereof many indirect practices have grown up & various and illegal Currencies have been introduced in several of Our said Colonies and Plantations, contrary to the true Intent and meaning of the said Act and to the Prejudice of the Trade of Our Subjects. It is therefore Our Royal Will & Pleasure, and you are hereby strictly required and coamanded under Pain of Our highest displeasure and of being removed from your Government to take the most Effectual Care for the future, that the said Act be punctually and bona fide Observed & put in execution, according to the true intent and meaning thereof.

27. And whereas complaints have been made to Us by the Merchants of the City of London, in behalf of themselves and of several others of Our good Subjects of Great Britain trading to Our Plantations in America, that greater Duties and Impositions are laid on their Ships and Goods of

Persons

Persons who are Natives and Inhabitants of the said Plantations; It is therefore Our Will and Pleasure, that you do not upon any Pretence whatsoever on Pain of Our highest displeasure give your Assent to any Law wherein the Natives or Inhabitants of the Province of South Carolina under Your Government are put on a more advantageous footing than those of this Kingdom, or whereby Duties shall be laid upon British shipping, or upon the Product or Manufacture of Great Britain, upon any Pretence whatsoever.

28. You are to Examine what Rates and Duties are charged and payable upon any Goods Exported and Imported within Our said Province, whether of the Growth or Manufacture of the said Province or otherwise, And you are to suppress the engrossing of Commodities as tending to the prejudice of that freedom which Trade and Commerce ought to have, and to use your best endeavours in the improving the Trade of those Parts, by settling such Orders and Regulations therein with the Advice of Our said Council, as may be most acceptable to the generality of the

Inhabitants

Inhabitants.

29. Whereas Acts have been passed in some of our Plantations in America, for laying Duties on the Importation and Exportation of Negroes, to the great discouragement of the Merchants trading thither from the Coast of Africa, And whereas Acts have likewise been passed for laying duties on Felons imported in direct opposition to An Act of Parliament passed in the 4th year of his late Majesty Our Royal Father's Reign, for the further preventing Robbery, Burglary and other Felonies and for the more effectual transportation of Felons &c. It is Our Will and Pleasure, that you do not give your assent to or pass any Law imposing Duties upon Negroes imported into Our Province of South Carolina, payable by the Importer or upon any Slaves Exported, that have not been sold in Our said Province and continued there for the space of twelve months It is Our further Will & Pleasure that you do not give Your Assent to or Pass any Act whatsoever, for imposing Duties on the importation of any Felons from this Kingdom into South Carolina.

30.

30. And you are to transmit Authentick Copies of all Laws, Statutes and Ordinances which at any time hereafter shall be made or enacted within Our said Province, each of them separately under the Publick Seal unto Us as aforesaid, & to Our Commissioners for Trade & Plantations — within three Moaths or sooner after their being enacted, together with Duplicates thereof by the next conveyance, upon pain of Our highest displeasure and of the forfeiture of that Year's Salary wherein you shall at any time or upon any pretence whatsoever, omit to send over the said Laws, Statutes and Ordinances as aforesaid, within the time above limited, as also of such other Penalty as We shall please to inflict; And you are hereby directed to take care, that the Copies and Duplicates of the said Acts be fairly abstracted in the margins But if it shall happen, that no Shipping shall come from our said Province within three Moaths after the making such Laws, Statutes and Ordinances whereby the same may be transmitted as aforesaid then the said Laws Statutes and Ordinances are to be transmitted by the next conveyance after the making thereof, when ever it may happen for

Our

Our approbation or Disallowance of the same.

31. And Our further Will and Pleasure is that in every Act which shall be transmitted, the several dates or respective times when the same passed the Assembly and the Council and received your Assent, be particularly expressed, And you are to be as Explicit as may be in your Observations to be sent to Our Commissioners for Trade and Plantations, upon every Act, that is to say whether the same is introductive of a new Law declaratory of a former Law or does repeal a Law then before in being. And you are likewise to send to Our said Commissioners the reasons for the passing of such Law, unless the same do fully appear in the Preamble of the said Act.

32. You are to require the Secretary of Our said Province or his Deputy for the time being, to furnish you with Transcripts of all such Acts and Publick Orders as shall be made from time to time, together with a Copy of the Journals of the Council, and that all such transcripts and Copies be fairly abstracted in the Margins to the end the same may be transmitted unto Our Commissioners for Trade and Plantations in order

Order to be laid before Us, which he is duly to perform upon pain of incurring the Forfeiture of his Place.

33. You are also to require from the Clerk of the Assembly or other proper Officer, Transcripts of all Journals and other Proceedings of the said Assembly, fairly abstracted in the Margins, to the end the same may be in like manner transmitted as aforesaid.

34. Whereas it is necessary, that Our Rights and Dues be preserved and recovered, and that speedy and effectual Justice be administered in all Cases relating to Our Revenue, You are to take care, that a Court of Exchequer be called and do meet all such times as shall be needful, And you are upon your Arrival to inform Us, by Our Commissioners for Trade and Plantations, whether Our Service may require, that a constant Court of Exchequer be settled and established there.

35. You shall not erect any new Court or Office of Judicature, nor dissolve any Court or Office already erected or established, without Our especial Order.

36. And Whereas frequent Complaints have been

been made of great Delays and undue Proceedings in the Courts of Justice, in several of Our Plantations, whereby many of Our good Subjects have very much suffered; And it being of the greatest importance to Our Service and to the Welfare of Our Plantations, that Justice be everywhere speedily and duly administred, & that all Disorders Delays and other undue practices in the Administration thereof be effectually prevented, We do particularly require you to take especial care that in all Courts where you are Authorized to preside Justice be impartially administred, and that in all other Parts established within Our said Province all Judges and other Persons therein concerned do likewise perform their several Duties without delay or partiality.

37. You are to take care that no Court of Judicature be adjourned but upon good Grounds As also that no Orders of any Court of Judicature be entred or allowed which shall not be first read & approved of, by the Magistrates in open Court, which Rule you are in like manner to see observed with relation to the proceedings of Our Council of South Carolina, and that all Orders

there

there made, be first read and approved in Council before they are Entred upon the Council Books.

38. Whereas We are above all things desirous that all Our Subjects may enjoy their legal Rights & Propertys you are to take especial care that if any Person be committed for any Criminal matters (unless for Treason or Felony plainly and especially expressed in the Warrant of Commitment) he have free Liberty to Petition by himself or otherwise, the Chief Baron or any one of the Judges of the Common Pleas, for a Writ of Habeas Corpus, which upon such application shall be granted and served, on the Provost Marshall, Goaler or other Officer having the Custody of such Prisoner, or shall be left at the Goal or Place where the Prisoner is confined, And the said Provost Marshall or other Officer shall within three days after such service, on the Petitioners paying the Fees and Charges and giving Security, that he will not escape by the way make return of the Writ and Prisoner before the Judge who granted out the said Writ, And therefore certify the true cause of the Imprisonment

-prisonment And the said Baron or Judge shall discharge such Prisoner, taking his Recognizance & sureties for his appearance at the Court where the offence is Cognizable and certify the said Writ and Recognizance into the Court, unless such offences appear to the said Baron or Judge not Bailable by the Laws of England.

39. And in case the said Baron or Judge shall refuse to grant a Writ of Habeas Corpus, on View of the Copy of Commitment, or upon Oath made of such Copy having been denyed the Prison-er, or any Person requiring the same in his behalf, or shall delay to discharge the Prisoner after grant-ing of such Writ, the said Baron or Judge shall incur the Forfeiture of his Place.

40. You are likewise to declare Our Plea-sure, that in case the Provost Marshall or other Officer shall Imprison any Person above Twelve hours except by a Mittimus, setting forth the cause thereof he be removed from his said Office.

41. And upon the Application of any Per-son wrongfully committed, the Baron or Judge shall issue his Warrant to the Provost Marshall

or

or other Officer to bring the Prisoner before him who shall be discharged without Bail or paying Fees and the Provost Marshall or other Officer refusing Obedience to such Warrant shall thereupon be removed, And if the said Baron or Judge denies his Warrant he shall likewise incur the forfeiture of his place.

42. You shall give directions that no Prisoner being set at large by an Habeas corpus be recommitted for the same offence, but by the Court where he is bound to appear, And if any Baron, Judge, Provost Marshal or other Officer contrary hereunto, shall recommit such Person so Bailed or delivered you are to remove him from his said Place, and if the Provost Marshall or other Officer having the Custody of the Prisoner neglects to return the Habeas Corpus or refuses a Copy of the Commitment, within Six hours after demand made by the Prisoner or any other in his behalf, he shall likewise incur the forfeiture of his place.

43. You are to take care, that all Prisoners in cases of Treason or Felony have free Liberty to Petition in open Court for their Tryals, That they

they be indicted at the first Court of Oyer and Terminer, unless it appear upon Oath, that the Witnesses against them could not be produced, and that they be tryed the second Court or discharged; And the Baron or Judge upon Motion made the last day of the Sessions in open Court, shall discharge the Prisoner accordingly, and upon the refusal of the said Baron or Judge and Provost Marshal or other Officer to do their respective duties herein, they shall be removed from their Places.

44. Provided always that no Person be discharged out of Prison who stands committed for Debt by any Decree of Chancery or any Legal proceedings of any Court of Record.

45. And for the preventing of any Exactions that may be made upon Prisoners, You are to declare Our Pleasure, that no Baron or Judge shall receive for himself or Clerks for granting a Writ of Habeas Corpus more than £.6., and the like sum for taking a Recognizance, And that the Provost Marshal or other Officer shall not receive more than £5, for every Commitment, £1.3 for the Bond the Prisoner is to sign, £1.3 for every

every Copy of a Mittimus and 1s. 3d. for every Mile he bringeth back the Prisoner.

46. And further you are to cause this Our Royal Will and Pleasure Signified to You by the 8 Articles of Instructions immediately preceeding this, to be made Publick and Registered in the Council Books of Our said Province.

47. You are for the better Administration of Justice, to endeavour to get a Law passed, if not already done, wherein shall be set the Value of Men's Estates either in Goods or Lands under which they shall not be capable of serving as Jurors.

48. You are to take care, that no Man's life Member freehold or Goods be taken away or harmed in Our said Province, otherwise than by established and known Laws not repugnant to but as near as may be agreeable to the Laws of this Kingdom. And that no persons be sent as Prisoners to this Kingdom from Our said Province without sufficient proof of their Crimes & that Proof transmitted along with the said Prisoners.

49. You shall endeavour to get a Law passed if not already done for the restraining of

of any Inhuman severity, which by ill Masters or Overseers may be used towards their Christian servants and their Slaves, and that Provision be made therein that the wilful killing of Indians and Negroes may be punished with Death, and that a fit penalty be imposed for the maiming of them.

50. You are to take care that all Writs within Our said Province be issued in our name.

51. Whereas it has been represented to Us, that there is no publick Prison erected in Our Province of South Carolina, it is therefore Our Will and Pleasure, that you do in the most effectual manner recommend to the Assembly of the said Province, that they make necessary Provision for erecting a common Goal or Goals and keeping the same in Repair agreeable to the practice of other British Colonies. And You shall also take care with the advice and assistance of Our Council that all Court Houses and other Publick Buildings that want reparation be forthwith repaired, and put into and kept in such a Condition as is proper and necessary for the holding Courts and keeping

keeping Offices.

52. Our Will & Pleasure is, that you or the Commander in Chief of Our said Province for the time being do in all Civil Causes on application being made to you or the Commander in Chief for the time being, for that purpose permit and allow Appeals from any Courts of Common Law in Our said Province, unto you or the Commander in Chief and the Council of the said Province, and you are for that purpose to issue a Writ in the manner which has been usually accustomed returnable before yourself and the Council of the said Province who are to proceed to hear and determine such appeal wherein such of the said Council as shall be at that time Judges of the Court from whence such Appeal shall be so made to you. Our Captain General or to the Commander in Chief for the time being & to Our said Council as aforesaid, shall not be admitted to vote upon the said Appeal but they may nevertheless be present at the hearing thereof, to give the reasons of the Judgment given by them in the Causes wherein such Appeal shall be made. Provided nevertheless, that in all such Appeals the sum or

value

value appealed for do exceed the sum of three hun-
dred pounds sterling, & that Security be first
duly given by the Appellant to answer such
Charges as shall be Awarded, in case the first
Sentence be affirmed, and if either party shall
not rest satisfied with the Judgment of you
or the Commander in Chief for the time being,
and Council as aforesaid, Our Will and Pleasure
is, that they may then Appeal unto Us in Our
Privy Council, Provided the sum or value so
appealed for unto Us do exceed five hundred
Pounds sterling, and that such Appeal be made
within fourteen days after sentence, and good
Security given by the Appellant, that he will
effectually prosecute the same, and answer the
Condemnation, as also pay such Costs and Damages
as shall be awarded by us in case the Sentence
of you or the Commander in Chief for the time
being & Council be affirmed, Provided nevertheless,
where the matter in question relates to the taking or
demanding any Duty payable to Us, or to any Fee
of Office or Annual Rent, or other such like matter
or thing, where the Rights in future may be bound,
in all such cases you are to admit an Appeal to
Us

Us in Our Privy Council tho' the immediate Sum or Value appealed for be of less value, And it is Our further Will & Pleasure, that in all cases whereby your Instructions you are to admit Appeals unto Us in Our Privy Council, Execution be suspended until the final Determination of such appeals, unless good and sufficient Security be given by the Appelle, to make ample Restitution of all that the Appellant shall have lost by means of such Judgment or Decree, in case upon the Determination of such appeal, such Decree or Judgment should be reversed & restitution awarded to the Appellant.

53. You are also to permit Appeals unto Us in Our Privy Council in all Cases of Fines imposed for Misdemeanours, Provided the Fines so imposed amount to or exceed the Sum of One hundred Pounds sterling, the Appellant first giving good Security, that he will effectually prosecute the same, and answer the Condemnation, if the Sentence by which such Fine was imposed in South Carolina shall be confirmed.

54. You shall not appoint any Person to be a Judge or Justice of the Peace, without the Advice and

and Consent of at least three of Our Council, signified in Council, nor shall you execute yourself or by Deputy any of the said Offices, and it is Our further Will and Pleasure, that all Commissions to be granted by you to any Person or Persons to be Judges, Justices of the Peace or other necessary Officers be granted during Pleasure only.

55. You shall not displace any of the Judges Justices, Sheriffs, or other Officers or Ministers, within Our said Province, without good & sufficient Cause, to be signified in the fullest and most distinct manner, to Our Commissioners for Trade & Plantations, in order to be laid before Us, by the first Opportunity after such Removal

56. You shall not suffer any Person to execute more Offices than one by Deputy.

57. And you are with the Advice & Consent of Our Council, to take especial Care to regulate all Salaries and Fees belonging to Places, or paid upon Emergencies, that they be within the bounds of Moderation and that no exaction be made upon any occasion whatsoever as also that Tables of all Fees be publickly hung up in all Places where

where such Fees are to be paid, & you are to transmit Copies of all such Tables of Fees to Our Commissioners for Trade & Plantations as aforesd in order to be laid before Us.

58. Whereas there are several Offices in Our Plantations, granted under the Great Seal of Great Britain, and Our Service may be very much prejudiced by reason of the Absence of the Patentees, and by their appointing Deputies not fit to Officiate in their stead. You are therefore to inspect such of the said Offices as are in Our said Province under your Government, and enquire into the Capacity & Behaviour of the Persons exercising them & to report thereupon to Us & to Our Commissioners for Trade & Plantations, what you think fit to be done or altered in relation thereunto; and you are upon the misbehaviour of any of the said Patentees or their Deputies, to suspend them from the Execution of their Places, till you shall have Represented the whole matter unto Us, and received Our directions therein, And in case of the Death of any such Deputy, it is our Express Will & Pleasure, that you take Care that the Person appointed to execute the place, until the

Patentee

Patentee can be informed thereof, and appoint another Deputy, do give sufficient security to the Patentee, or in case of suspencion to the Person suspended to be answerable for the Profits accruing during such Interval, by Death or during such suspencion, in case we shall think fit to restore the Person suspended to his place again; It is nevertheless Our Will & Pleasure, that the person executing the Place during such Interval by Death or suspencion shall for his Encouragement receive the same Profits as the Person dead or suspended did receive, & it is Our further Will & Pleasure that in case of the Suspension of a Patentee the Person appointed by you to execute the Office, during such suspencion shall for his encouragement receive a Moiety of the Profits which would otherwise have accrued & become due to such Patentee, giving Security to such Patentee to be answerable to him for the other Moiety in case His Majesty shall think fit to restore him to his Place.

59. You shall not by colour of any Power or Authority hereby or otherwise granted or mentioned to be granted unto you take upon you to give, grant

grant or dispose of any Place or Office within our said Province, which now is or shall be granted under the Great Seal of this Kingdom or to which any Person is or shall be appointed by Warrant, under our Signet or Sign Manual, any further than that you may upon the vacancy of any such Office or Place, or upon the suspension of any such Officer by you as aforesaid, put in any fit person to officiate in the interval untill you shall have represented the matter unto Our Commissioners for Trade & Plantations in order to be laid before Us as aforesaid, which you are to do by the first opportunity and till the said Office or Place be disposed of by Us, Our Heirs or Successors under the Great Seal of this Kingdom, or untill some person shall be appointed thereto, under Our Signet & Sign manual, or that Our further directions be given therein; And it is Our Express Will & Pleasure, that you do Countenance and give all due encouragement to all Our Patent Officers in the Enjoyment of their Legal & accustomed Fees, Rights, Privileges & Emoluments according to the true intent & meaning

meaning of their Patents.

60. And Whereas several Complaints have been made by the Surveyor General & other Officers of Our Customs in Our Plantations in America, that they are frequently obliged to serve on Jurys, & personally to appear in Arms whenever the Militia is drawn out, and thereby are much hindered in the Execution of their Employments, Our Will & Pleasure is, that you take effectual care and give the necessary directions that the several Officers of Our Customs be excused and exempted from serving on any Juries, or personally appearing in Arms in the Militia, unless in cases of Absolute necessity, or serving any Parochial Offices which may hinder them in the Execution of their Duties.

61. And Whereas the Surveyors General of Our Customs in the Plantations are impowered in cases of the Vacancy of any of the Officers of Our Customs by Death, Removal or otherwise to appoint other Persons to execute such Offices until they receive further directions from Our Commissioners of Our Treasury or Our High Treasurer or Commissioners of Our Customs for the

the time being. But in regard the Districts of the said Surveyors General are very extensive, and that they are required at proper times to visit the Officers in the several Governments under their Inspection, and that it may happen that some of the Officers of Our Customs in the Province of South Carolina may die at the time when the Surveyor General is absent in some distant part of his district so that he cannot receive advice of such Officer's Death within a reasonable time & thereby make provision for carrying on the Service by appointing some other Person in the room of such Officer who may happen to die, therefore that there may be no delay given on such Occasions to the Masters of the Ships or Merchants in their Dispatches, It is Our further Will and Pleasure, in case of such absence of the Surveyor General or if he should happen to die, and in such cases only, that upon the Death of any Collector of Our Customs within that Our Province you shall make choice of a person of known Loyal-ty, Experience, Diligence & Fidelity to be employed in such Collectors room for the purposes aforesd. untill

untill the Surveyor General of Our Customs shall be advised thereof, and appoint another to succeed in their places, or that further directions be given therein by Our Commissioners of Our Treasury or Our High Treasurer or by the Commissioners of Our Customs for the time being which shall be first signify'd, taking care that you do not under pretence of this Instruction interfere with the Powers and Authorities given by the Commissioners of Our Customs to the said Surveyor General, when he is able to put the same in Execution.

62. Whereas it is convenient for Our Service that all the Surveyors General of Our Customs in America for the time being should be admitted to sit and vote in the respective Councils of the several Islands and Provinces within their Districts as Councillors Extraordinary during the time of their Residence there, We have therefore thought fit to constitute and appoint and do hereby Constitute and Appoint the Surveyor General of Our Customs for the Southern District & the Surveyor General of Our Customs within the said District for the time

time being to be Councillors Extraordinary in Our said Province, And it is Our Will & Pleasure that he and they be admitted to sit and vote in Our said Council as Councillors Extraordinary during the time of his or their Residence there, But it is Our Royal Intention if thro' length of time the said Surveyor General or any other Surveyor General should become the Senior Councillor in the said Province, that neither he nor they shall by virtue of such Seniority be ever capable to take upon him or them the Administration of the Government there upon the Death or absence of Our Captains General or Governors in Chief for the time being, but whenever such Death or absence shall happen, the Government shall devolve upon the Councillor next in Seniority to the Surveyor General unless We should hereafter think it for Our Service to nominate the said Surveyor General or any other of Our said Surveyors General Councillors in Ordinary in any of the Governments within their Survey who shall not in that case be excluded any benefit which attends the Seniority of their Rank in the Council.

63.

63. It is Our further Will & Pleasure and you are hereby required by the first opportunity to move the Assembly of Our said Province under your Government, that they provide for the Expence of making Copies for the Surveyor General of Our Customs in the said Districts for the time being of all Acts & Papers which bear any relation to the Duty of his Office, and in the mean time you are to give Orders that the said Surveyor General for the time being as aforesaid, be allowed a free inspection in the Publick Offices within your Government of all such Acts & Papers without paying any Fee or Reward for the same.

64. You are to transmit unto Our Commissioners for Trade & Plantations with all convenient speed a particular Account of all Establishments of Jurisdictions, Courts, Offices & Officers, Powers, Authorities, Fees & Privileges granted and settled within Our said Province together with an Account of all the Expences attending the Establishment of the said Courts & of such Funds as are settled & appropriated for discharging such expences.

65.

66. Whereas great Inconveniencies have arisen in many of Our Colonies in America from the granting excessive quantities of Land to particular Persons which they have never cultivated and have thereby prevented others more industrious from improving the same, more particularly in South Carolina, where several Persons claim a Right to many thousand Acres which they have not yet taken up, You are hereby directed to recommend to the Assembly of Our said Province to pass an Act or Acts whereby the Owners of all Lands already granted by the late Lords Proprietors shall be obliged within a reasonable time to take possession of and cultivate the Lands by them claimed on penalty of forfeiture of such Right or Claim, and to prevent the like inconvenience for the future in all grants of Land to be made by you by and with the Advice & Consent of Our Council you are to take especial Care that no Grants be made to any Person but in proportion to his Ability to cultivate the same, And as the Number of Persons in each Grantee's Family will be the most reasonable

measure

measure for your Judgment in this particular, you are therefore hereby directed to observe the following Method in all Grants to be made by you. Vizt

That one hundred Acres of Land be granted to every person being Master or Mistress of a Family for himself or herself and 50 Acres for every White or Black man, Woman or Child, of which such Persons or family shall consist at the Actual time of making the Grant, subject to the payment of a Quit Rent of four shillings Proclamation Money for every hundred Acres so granted, to commence at the expiration of two Years from the date of each Grant on failure of which the Grant to be void.

That every Grantee upon giving proof that he or she has fulfilled the Terms and Conditions of his or her Grant shall be intituled to another Grant in the proportion & upon the Conditions abovementioned.

That all Grantees of Lands be obliged by the Terms of their Grants to clear & Cultivate at the Rate of three Acres per year, for every hundred

hundred Acres contained in their Grants, in failure of which their Grants shall be void.

66. And it is Our further Will and Pleasure, that in all Grants of Land to be made by you as aforesaid, regard be had to the profitable & unprofitable Acres, so that each Grantee may have a proportionable Number of one sort and the other, As likewise that the length of each Tract of Land to be hereafter granted, do not extend along the Banks of any River, But into the Mainland that thereby the said Grantees may have each a convenient share of what Accomodation the said River may afford for navigation or otherwise.

67. Whereas it hath been found by long Experience in Our Province of New Hampshire and the Massachusets Bay, that the settling of such Persons as were disposed to become Planters there in Townships, hath redounded very much to their advantage not only with respect to the assistance they have been able to afford each other in their Civil Concerns, but likewise with regard to the Security they have thereby

thereby acquired against the Insults & Incur-
-sions of the Neighbouring Indians, We have there-
-fore thought it for our Service, and you are
hereby required as the Number of Inhabitants
in the said Province shall by God's blessing
increase, mark out and set apart such and
so many Townships as shall appear to you to
be necessary for the Reception & Accomodation
of them & of such Persons as shall from time
to time resort to the said Province with a
view of settling therein, And it is our further
Will & Pleasure, that each of such Townships
do consist of Twenty thousand Acres of Land
to be laid out in square Plats of Ground
one side thereof if possible to front the Banks
of a River, and in each of these Townships you
shall mark out a proper place for the situation
of a Town to consist of so many lots, and
each Lot of such a Quantity of Land as you
shall Judge convenient, and to each Inhabitant
at their first settling there besides their respec-
-tive Town Lots, you shall Grant one hundred
Acres part of the abovementioned Twenty thousand
to every Master or Mistress of a Family, and
fifty

fifty for every Man, Woman or Child of which the Grantee's Family shall consist under such Limitations & Restrictions as are herein before directed. Provided always, and We do hereby declare it to be Our Will and Pleasure, that in case any part of the Lands lying within the Nine Townships directed to be laid out by Our Instructions to James Glen Esqr., late Governor of Our said Province, shall at the time of Your arrival remain ungranted, any Person or Persons who shall take up and settle upon the same shall be exempted from the Payment of Quit Rents for Ten years after the date of their respective Grants, and it is Our further Will and Pleasure, that the Grants so to be made by you as aforesaid, shall be Augmented from time to time as the Abilities of the respective Inhabitants shall render them capable of Cultivating more Lands, always taking care to proportion the profitable and unprofitable Land in each Grant and to mark the same out in such manner that every Grantee by the Situation of his Land may reap equal advantages, and to the intent that Land near the said Townships

may

may not be wanting for the convenience of the Inhabitants as their substance shall increase no Persons except the Inhabitants shall be... allowed to take up Lands within Six Miles of the said Townships respectively to which the said Townships shall be contiguous.

68. It is Our further Will and Pleasure that each of such Townships respectively be erected into a distinct Parish, & that, when any of the said intended Parishes shall have one hundred Householders, they shall be entitled to send two Members to the Assembly, & to enjoy all such other Privileges as do of right and Common Usage belong to other Parishes in Our said Province; and as a further encouragement to such Persons as shall be disposed to settle in these Townships, We are graciously pleased to allow the Inhabitants thereof a Right of Common and Herbage in and thro' all such Lands contained within the Extent of the said Townships respectively as shall not be taken up by particular Grants made to the said Inhabitants and that a Quantity of Land, not exceeding three hundred Acres, contiguous to the

the said Town, shall be set apart for a Common in perpetuity to each of the said Towns free from Quit Rent.

69. And Whereas We have been informed, that the number of White Men in Our said Province, bears too small a proportion to that of the Blacks, which is not only a Hindrance to the Peopling and Settling the same, but may be also of dangerous consequence from the Attempts of an Enemy, and even from an Insurrection of the Negroes: It is Our Will and Pleasure, that you recommend in the Strongest terms to the Assembly, that they pass an Act giving suitable Encouragement to all who shall Import white Servants into the Province, either Men or Women; and as an Encouragement for white Servants to go thither, We are graciously pleased to allow you to grant one hundred Acres of Land free of Quit Rent for Ten years, to all white Servants Men or Women,- who shall have served their Masters the whole time of their Agreement, and shall be willing afterwards to become Planters or Settlers in the said Province.

70. And whereas nothing can more effectually

-fectually

effectually tend to the further improving and settling the said Province, the Security of the Property of Our Subjects and the Advancement of Our Revenue of Quit Rents, than the Establishing a regular and proper method of proceeding with respect to the passing of Grants of Land within the same; It is therefore Our Will & Pleasure that all & every Person and Persons, who for the future shall apply to you for any Grant or Grants of Land, shall, previous to their obtaining the same, make it appear before you in Council, that they are in a condition to cultivate and improve the same, by settling thereon in proportion to the quantity of Acres a sufficient number of White Persons or Negroes. And in case you shall, upon a consideration of the circumstances of the Person or Persons applying for such Grants, think it adviseable to pass the same, in such case you are to cause a Warrant to be drawn up, directed to the Surveyor General or other proper Officer, empowering him or them to — make a faithful and exact survey of the Lands so petitioned for, and to return the said Warrant within Six months at furthest from the date thereof

thereof, with a Plot or description of the Lands so survey'd thereunto annexed; Provided that you do take care, that, before any such Warrant is issued as aforesaid, a Docquet thereof be entred in the Auditor's Office; and when the Warrant shall be returned by the said Surveyor or other proper Officer, the Grant shall be made out in due form, & the Terms and conditions required by these Our Instructions be particularly and expressly mentioned in the respective Grants. And it is Our further Will & Pleasure, that the said Grants shall be registred within six months from the date thereof in the Secretary's Office there, and a Docquet thereof be also entred in the Auditors Office there, or that, in default thereof, such Grant shall be void; Copies of all which Entries shall be returned regularly by the proper Officer to the Commissioners of Our Treasury & to Our Commissioners for Trade & Plantations within Six Months from the date thereof.

71. And whereas for some Years past the Governors of some of Our Plantations have seized and appropriated to their own use the Produce of Whales of several kinds taken upon those

Coasts

Coasts, upon pretence that Whales are Royal Fish, which tends greatly to discourage this branch of Fishery in Our Plantations, and the preventing Persons from settling there; It is therefore Our Will & Pleasure, that you do not pretend to any such Claim, nor give any manner of discouragement to the Fishery of Our Subjects upon the Coast of the Province under your Government, but on the Contrary that you give all possible encouragement thereto.

12. You shall not remit any Fines or Forfitures whatsoever above the sume of Ten pounds, nor dispose of any forfeitures whatsoever, untill, upon signifying unto the Commissioners of Our Treasury, or Our High Treasurer for the time being, and to Our Commissioners for Trade & Plantations, the nature of the Offence and the occasion of such Fines & Forfeitures, with the particular Sums or Value thereof, (which you are to do with all speed) you shall have received our directions therein; but you may in the mean time suspend the payment of the said Fines & Forfeitures.

13. It is Our Will & Pleasure, that you do not dispose of any Forfeitures or Escheats to any Person

Person, untill the proper Officer has made enquiry by a Jury upon their Oaths into the true Value thereof; nor until you shall have transmitted to Our Commissioners of Our Treasury, and unto Our Commissioners for Trade & Plantations, a particular account of such Forfeitures and Escheats, and the Value thereof, and shall have received Our directions thereupon; and you are to take Care that the produce of such forfeitures and Escheats, in case we shall think proper to give you directions to dispose of the same, be duly paid to Our Receiver General of the said Province, and a full account thereof transmitted to the Commissioners of Our Treasury or Our High Treasurer for the time being, and to Our Commissioners for Trade & Plantations, with the names of the Persons to whom disposed; & provided, that in the Grants of all forfeited and Escheated Lands, there be a Clause obliging the Grantee to Plant & Cultivate three Acres in every Year for every hundred Acres contained in his Grant, in case the same was not so cultivated & Planted before; and that there be proper Savings and reservations of Quit Rent to us, Our heirs & Successors.

74.

74. Whereas We have thought it necessary for Our Service to constitute and appoint a Receiver General of the Rights & Perquisites of the Admiralty, It is therefore Our Will & Pleasure that you be aiding & assisting to Our said Receiver General, his Deputy or Deputies in the Execution of the said Office of Receiver General; and We do hereby enjoin and require You to make up your accounts with him, his Deputy or Deputies of all the Rights of Admiralty, (Effects of Pirates included) as you or your Officers shall or may at any time receive, and to pay over to Our said Receiver General, his Deputy or Deputies, for Our Use, all such Sum or Sums of Money as shall appear upon the foot of such Accounts to be and remain in your hands, or in the hands of any of your Officers;- And Whereas Our said Receiver General is directed in case the Parties, chargeable with any part of such Our Revenue, refuse, neglect or delay payment thereof by himself or sufficient Deputy to apply in Our Name to Our Governors, Judges, Attornies General, or any other Our Officers or Magistrates, to be aiding and Assisting to him in recovering the same; it

it is therefore Our Will & Pleasure, that you, Our Governor, Our Judges, Our Attornies General, and all other Our Officers whom the same may concern, do use all lawfull Authority for recovering and levying thereof.

15. You are to permit liberty of Conscience to all Persons, except Papists, so as they be contented with a quiet and peaceable enjoyment of the same, not giving Offence or scandal to the Government.

16. You shall take especial care, that God Almighty be devoutly and duly served throughout your Government, the Book of common Prayer, as by Law established, read each Sunday and Holiday, and the Blessed Sacrament Administred according to the Rites of the Church of England.

17. You shall take care that the Churches already Built there be well and orderly kept, and that more be built as the Province shall, by God's blessing be improved, and that, besides a competent maintenance to be assigned to the Minister of each Orthodox Church, a convenient House be built at the common charge for each Minister, and a competent proportion of Land Assigned him for a Glebe and exercise of his Industry.

18.

18. And you are to take Care, that the Parishes be so limited and settled, as you shall find most convenient for accomplishing this good work.

19. You are not to prefer any Minister to any Ecclesiastical Benefice in that Province without a Certificate from the Rt. Reverend Father in God the Lord Bishop of London of his being conformable to the Doctrine and Discipline of the Church of England, and of a good life and conversation; and if any Person already prefered to a Benefice shall appear to you to give Scandal, either by his Doctrine or Manners, you are to use the proper and usual means for the removal of him, and to supply the Vacancy in such manner as We have directed.

80. You are to give Orders forthwith, if the same be not already done, that every Orthodox Minister within your Government be one of the Vestry in his respective Parish, and that no Vestry be held without him, except in case of Sickness, or that, after notice of a Vestry summoned, he omit to come.

81. You are to enquire whether there be any Minister within your Government, who Preaches and

and Administers the Sacrament in any Orthodox Church or Chapel without being in due Orders, & to give an Account thereof to the Lord Bishop of London.

82. And to the end the Ecclesiastical Jurisdiction of the Lord Bishop of London may take place in that Our Province, so far as conveniently may be, We do think fit that you do give all countenance and encouragement to the Exercise of the same, excepting only the collating to Benefices, Granting Licences for marriages and Probat of Wills; which We have reserved to you Our Governor and to the Commander in Chief of Our said Province for the time being, as by Law we may.

83. And we do further direct, that no Schoolmaster be henceforward permitted to come from this Kingdom, and to keep School in that Our Province without the Licence of the said Lord Bishop of London; and that no other Person now there or that shall come from other Parts shall be admitted to keep School in South Carolina without your Licence first Obtained.

84. And you are to take especial care, that a Table of Marriages established by the Canons of the

the Church of England, be hung up in every Orthodox Church, and duly observed; and you are to endeavour to get a Law passed in the Assembly of that Province, if not already done, for the strict Observation of the said Table.

85. The Rt Reverend Father in God Edmund, late Lord Bishop of London, having presented a Petition to Our late Royal Father, humbly beseeching him to send instructions to the Governors of all the several Plantations in America, that they cause all Laws already made against Blasphemy, Prophaneness, Adultery, Fornication, Polygamy, Incest, Prophanation of the Lord's Day, Swearing and Drunkenness in their respective Governments to be vigorously executed; And We thinking it highly just, that all Persons, who shall offend in any of the Particulars aforesaid, should be Prosecuted and Punished for the said Offences. It is therefore Our Will & Pleasure, that you do take due care for the punishment of the fore-mentioned Vices, and that you earnestly recommend to the Assembly of South Carolina to provide effectual Laws for the restraint and Punishment of all such of the aforementioned Vices, against which

no

no Laws are as yet provided; And also you are to use your endeavours to render the Laws in being more effectual, by providing for the punishment of the aforementioned vices, by presentment upon Oath to be made to the Temporal Courts by the Churchwardens of the several Parishes at proper times of the year to be appointed for that purpose; And for the further discouragement of vice and encouragement of Virtue and good living, that by such Example the Infidels may be invited and persuaded to embrace the Christian Religion, you are not to admit any person to Publick Trusts and Employments in the Province under your Government whose Ill fame and Conversation may occasion Scandal; And it is Our further Will & Pleasure, that you recommend to the Assembly to enter upon proper Methods for the erecting and maintaining of Schools in order to the training up of Youth to reading and to a necessary Knowledge of the Principles of Religion, And you are also, with the Assistance of the Council & Assembly, to find out the best means to facilitate and encourage the Conversation of Negroes and Indians to the Christian Religion.

86.

86. You shall send to Our Commissioners for Trade and Plantations by the first conveyance, in order to be laid before Us, an account of the present Number of Planters and Inhabitants, Men, Women & Children, as well Masters as Servants, free & unfree, and of the Slaves in Our said Province; as also a yearly Account of the Increase or decrease of them, and how many of them are fit to bear arms in the said Province.

87. You shall also cause an Exact Account to be kept of all Persons, Born, Christned & Buried, and send yearly fair Abstracts thereof to Our Commissioners for Trade and Plantations.

88. And We do further expressly command and require you to give unto Our Commissioners for Trade & Plantations an Account every half year of what number of Negroes the said Province is supplyed with.

89. You shall take care that all Planters, Inhabitants and Christian Servants be well and fitly supplied with Arms, and that they be listed under good Officers, and as often as shall be thought fit, Mustred and Trained whereby they may be in a better readiness, for the defence of the said

Province

Province; and for the greater security thereof, You are to appoint fit Officers and Commanders in the several Parts of that Province bordering upon the Indians, who upon any Invasion may raise men and Arms to oppose them, untill they shall receive your Directions therein; but you are to take especial care, that neither the frequency nor unreasonableness of remote Marches, Musters or Trainings be an unnecessary impediment to the Affairs of the Inhabitants; and you shall not upon any occasion whatsoever Establish or put in execution any Articles of War or other Law Martial upon any of Our Subjects, Inhabitants of the said Province, without the Advice & consent of our Council there.

90. And whereas you will receive from Our Commissioners for executing the Office of High Admiral of Great Britain, and of the Plantations, a Commission constituting you Vice Admiral of Our said Province, you are hereby required and directed carefully to put in execution the several Powers thereby granted you.

91. And there having been great irregularities in the manner of granting Commissions in the

the Plantations to Private ships of War, you are to govern yourself, whenever there shall be occasion, according to the Commissions & Instructions granted in this Kingdom, Copies whereof will be herewith delivered to you; but you are not to grant Commissions of Marque or Reprizal against any Prince or State, or their Subjects, in amity with Us, to any Person whatsoever without Our especial Command, and you are to oblige the Commanders of all ships having Private Commissions to wear no other Colours than such as are described in Our Order in Council of the 7th of January 1730. in relation to Colours to be worn by all Ships of War.

92. Whereas We have been informed, that during the time of War Our Enemies have frequently got intelligence of the State of Our Plantations by letters from Private Persons to their correspondents in Great Britain, taken on board Ships coming from the Plantations, which has been of dangerous consequence; Our Will and Pleasure therefore is, that you signify to all Merchants, Planters and others, that they be very cautious in time of War, whenever that shall happen, in giving

giving any Account by Letters of the Publicke state and condition of Our Province of South Carolina. And you are further to give directions to all Masters of Ships or other persons, to whom you may intrust your Letters, that they put such Letters into a Bag with a sufficient weight to sink the same immediately, in case of imminent danger from the Enemy. And you are always to let the Merchants and Planters know, how greatly it is for their Interest that their Letters should not fall into the hands of the Enemy, And therefore that they should give the like Orders to Masters of ships in relation to their Letters. And you are further to advise all Masters of Ships, that they do sink all Letters in case of danger in the manner before mentioned.

93. And whereas the Merchants & Planters in America have in times of War corresponded & Traded with Our Enemies, and carry'd Intelligence to them to the great prejudice and Hazard of the British Plantations, you are therefore by all possible Methods to endeavour to hinder all such Trade and Correspondence in time of War.

94.

94. Whereas by the 5th and 6th Articles of the Treaty of Peace and Neutrality in America concluded between England & France the 16 day of November 1686, the Subjects and Inhabitants of each Kingdom are prohibited to Trade and Fish in all places possessed, or which shall be possessed by the other in America, And it is stipulated, that if any ships shall be found trading contrary to the said Treaty, upon due proof the said ship shall be confiscated But in case the Subjects of either King shall be forced by stress of Weather, Enemies or other necessity into the Ports of the other in America they shall be treated with Humanity and Kindness, and may provide themselves with Victuals and other things necessary for their Sustenance and reparation of their Ships at reasonable Rates: Provided they do not break Bulk, nor carry any Goods out of their Ships, exposing them to Sale, nor receive any Merchandize on board, under penalty of confiscation of Ship and Goods; It is therefore Our Will & Pleasure, that you signify to Our Subjects under your Government the purport and Intent of the abovesaid

two

two Articles, and that you take particular care that none of the French Subjects be allowed to Trade from their said Settlements to South Carolina, or Fish upon the Coasts thereof.

95. Whereas Commissions have been granted unto several Persons in Our respective Plantations in America for the trying of Pirates in those Parts pursuant to the several Acts for the more effectual Suppression of Piracy, and by a Commission already sent to Our Province of South Carolina, you as Captain General and Governor in Chief of Our said Province are empowered, together with others therein mentioned, to proceed accordingly in reference to the said Province of South Carolina; Our Will and Pleasure is, that in all Matters relating to Pirates you govern yourself according to the intent of the said Acts and Commission aforementioned.

96. Whereas it is absolutely necessary that We be exactly informed of the state of Defence of all our Plantations in America, as well in relation to the Stores of War that are in each Plantation, as to the Forts and Fortifications there, and what more may be necessary to be built for the

the defence and security of the same, you are, as soon as possible, to prepare an Account thereof with relation to the said Province in the most particular manner. And you are therein to express the present state of the Arms, Ammunition and other Stores of War belonging to the said Province, either in any Publick Magazines or in the hands of private Persons, together with the state of all places either already fortified, or that you judge necessary to be fortified for the Security of Our said Province, and you are to transmit the said Accounts to Our Commissioners for Trade and Plantations, in Order to be laid before Us. As also a Duplicate thereof to the Master General or Principal Officers of Our Ordnance; which Accounts are to express the particulars of Ordnance, Carriages, Ball, Powder, and all other sorts of Ammunition and Arms in the Publick Stores at your Arrival, and so from time to time of what shall be sent to you or bought with the Publick Money, and to specify the time of the disposal and the Occasion thereof, and other like Accounts half yearly in the same Manner.

97

97. And in case of Distress of any other of Our Plantations, you shall, upon Application of the respective Governors thereof to you, assist them with what Aid the Condition and Safety of Our said Province under your Government can spare.

98. You are from time to time to give an Account, as before directed, what strength your Neighbours have, be they Indians or others, by Sea and Land, and of the condition of their Plantations, and what Correspondence you do keep with them.

99. And Whereas there is great reason to believe, that the Indians on the Frontiers of South Carolina, who have of late years fallen off from the British Interest there, have been in some measure provoked thereto by the Injustice and ill Usage, which they have received from Our subjects in your Government; and it being highly necessary for the Welfare of Carolina, that a good understanding should be maintained with the said Indian Nations, as well for the promoting of Trade, as for the Security of the Frontiers of Our said Province, you are hereby particularly

particularly enjoyned to use all possible ways and means for regaining the Affections of the said Indians, and to preserve a good Correspondence with such of them as remain faithful to Our Interest, but especially with the Cherokee Indians, inhabiting the Mountains on the North West side of the said Province of South Carolina; and you are likewise hereby directed to recommend in the strongest Terms to the Indian Traders to be just and reasonable in their Dealings with the Native Indians, and likewise to propose to the Assembly, if you and Our Council there shall judge it necessary to pass one or more Laws for the better Regulation of the said Indian Trade, and for the Encouragement and Protection of such Indians as shall adhere to Our Interest.

100. You shall cause a Survey to be made of all the considerable Landing Places and Harbours in Our said Province, and with the Advice of Our Council there, erect in any of them such Fortifications as shall be necessary for the Security and Advantage of the said Province; and that fit Storehouses be settled in the said Province

Province for receiving and keeping of Arms, Ammunition and other Publick Stores; all which is to be done at the Publick charge; and you are accordingly to move the General Assembly to the Passing of such Acts as may be requisite for the carrying on of that work, in which We doubt not of their chearful concurrence, from the common Security and Benefit they will receive thereby.

101. You shall transmit unto Us, and to Our Commissioners for Trade and Plantations by the first opperturnity a Map, with an exact Description of the whole Province under your Government, with the several Plantations upon it, and of the Fortifications, as also of the bordering Spanish and Indian Settlements.

102. You are likewise from time to time to give unto Our Commissioners for Trade and Plantations as aforesaid, in order to be laid before Us, an Account of the Wasts and defects of the said Province, what are the chief Products thereof, what new Improvements are made therein by the Industry of the Inhabitants or Planters, and what further Improvements you conceive may be made

made, or Advantages gained by Trade; and which way We may contribute thereto.

103. If anything shall happen which may be of advantage and Security to Our said Province, which is not herein, or by Our Commission provided for, We do hereby allow unto you, with the Advice and Consent of Our said Council, to take order for the present therein, giving unto Our said Commissioners for Trade and Plantations speedy Notice thereof, in order to be laid before Us, that so you may receive Our Ratification thereof, if We shall approve of the same. Provided always, that you do not, by Colour of any Power or Authority hereby given you, commence or declare War without Our knowledge or particular Commands therein, except it be against Indians upon Emergences, wherein the Consent of Our Council shall be had, and speedy notice given thereof to Our Commissioners for Trade and Plantations, in order to be laid before Us.

104. And whereas great prejudice may happen to Our Service and to the Security of Our said Province by your Absence from those parts, you are not upon any pretence whatsoever to

to come to Europe without having first obtained leave for so doing from Us under Our Sign Manual & Signet, or by Our Order in Our Privy Council, yet nevertheless in case of Sickness you may go to New York or any other of Our Northern Plantations, and there stay for such a space as the recovery of your health may absolutely require.

105. And whereas We have thought fit by Our Commission to direct, that, in case of your Death or Absence from Our said Province, and case there be at that time no person upon the place, commissionated or appointed by Us to be Our Lieutenant Governor or Commander in Chief, the Eldest Councillor, whose name is first placed in these Our Instructions to You, and who shall be at the time of your Death or absence residing within Our said Province of South Carolina, shall take upon him the Administration of the Government, and execute Our said Commission and Instructions, and the several Powers and Authorities therein contained, in the manner thereby directed. It is nevertheless Our express Will and Pleasure, that

that in such case the said President shall forbear to pass any Acts, but what are immediately necessary for the Peace and Welfare of Our said Province without Our Particular Order for that purpose; And that he shall not take upon him to dissolve the Assembly then in being, nor to remove or suspend any of the Members of Our said Council, nor any Judges, Justices of the Peace or other Officers Civil or Military, without the consent of at least Seven of Our Council; and the said President is to transmit to Our Commissioners for Trade and Plantations by the first opportunity, in order to be laid before Us, the reasons for such Alterations signed by himself and by Our Council.

106. And Whereas We are willing in the best manner to provide for the support of the Government of Our said Province, by setting apart a sufficient Allowance to such as shall be Our Lieutenant Governor, Commander in Chief, or President of Our Council, for the time being within the same; Our Will and Pleasure therefore is, that, when it shall happen that you shall be absent from Our said Province, one full Moiety of the Salary and of all Perquisites and Emoluments

Enoluments whatsoever, which would otherwise become due unto you, shall, during the time of your Abscence from Our said Province, be paid and satisfy'd unto such Lieutenant Governor, Commander in Chief, or President of Our Council, who shall be resident upon the Place for the time being, which We do hereby order and allot unto him towards his maintenance and for the better support of the Dignity of that Our Government.

107. And you are upon all occasions to send unto Our Commissioners for Trade and Plantations only, a particular Account of all your proceedings and of the conditions of Affairs within your Government, in Order to be laid before Us; provided nevertheless, whenever any Occurrence shall happen within your Government, of such a Nature & Importance as may require Our more Immediate Direction by one of Our Principal Secretaries of State, and also upon all Occasions and in all Affairs wherein you may receive Our Orders by One of Our Principal Secretaries of State, you shall in all such Cases transmit to Our Secretary of State only, an Account of all such Occurrences, & of your Proceedings relative to such Orders.

B.P.R.O. So Carolina B.T. vol. 18. K. 173.

(12 Nov. 1755.)

To the Right Honoble The Lords Commissioners for Trade and Plantations.

My Lords,

In Pursuance of your Lordships Commands Signified to me by Mr Pownalls Letter wherein you are pleased to Desire my Opinion in Point of Law upon the following Acts passed in South Carolina in May 1754 I have perused and Considered the same (viz.)

1. An Act for repealing such Parts of an Act Intitled An Act to cut and sink Drains and Passages into the North and West Branches of Stono River as relate to the West Branch of Stono River and to Impower the Commissioners therein named to cut and Sink Drains and Water Passages into the West Branch of Stono River and to cut and sink a Drain or Water Passage in the Swamp called Barfords Swamp in the Parish of Saint Bartholomew.

2. An Act for Building a Draw Bridge cross Ashley River in the Parish of Saint Andrew from some place at or near Stoney Point on the East side to the Marsh opposite to the said Point on the West side

side of the said River and for making a Causey upon the said Marsh leading to the said Bridge and for making a Road to the said Bridge and Causey and for vesting the said Bridge when fit in such Person and Persons his and their Heirs and Assigns for ever as shall be at the Expence of Building the said Bridge and for making the said Causey and keeping the same at all times hereafter in Repair.

3. An Act to Revive and continue the several Acts of the General Assembly of this Province therein mentioned.

4. An Act for Applying the Fifth part of the Tax Imposed by the General Duty Law on the first Purchasors of Negroes and other Slaves imported which was applied as a Bounty to be given for the Building of Ships and as an Encouragement to Shipwrights and Caulkers to become Settlers in this Province to the Uses therein mentioned and for Building a Pest House and erecting a Beacon and for appointing and Impowering Commissioners to execute the same and to purchase a Piece of Land convenient for those Purposes and for Purchasing a Piece of Land in Charles Town

and

and for Building another Powder magazine thereon
5. An Act for ascertaining the District for but-ting & cleansing and keeping in Repair the Creek or Cutt commonly called the Hawl over.
6. An Act appointing Commissioners for Repairing and keeping in Repair the Bridge over Combaw River from the Causey to the Town of Radnor and Commissioners for Rebuilding and keeping in Repair the Bridge over Wappoo Creek in the Parish of Saint Andrew and declaring the said Bridge and Hoopers Bridge in the said Parish of St Andrew to be Parish Bridges and appointing Commission-ers for the said Bridge.
7. An Act to Divide the Parish of St James Santee in Craven County and for establishing another Par-ish in the said County by the name of the Parish of St Stephen and appointing the Chappell of Ease in the said Parish of Saint Stephen to be the Parish Church and declaring the Chappell of Ease at Echaw in the Parish of St James Santee to be the Parish Church And for appointing Commissioners to erect a Chappell of Ease near Wambow Bridge in the said Parish of St James Santee And for ascertaining the number of Members to represent the

the Inhabitants of the said Parishes respectively in the General Assembly of this Province and for appointing Commissioners for the High Roads in the said Parishes respectively.

I have no Objection to this Act unless by Dividing the Parish the number of Representatives to the General Assembly are Increased which does not appear to me.

8. An Act for vesting the Ferry over Savanna River at the Garrison of Fort Moor in New Windsor in John Stewart of New Windsor his Executors Administrators and Assigns for the Term therein mentioned and for Establishing a Ferry over Santee River in the Township of Saxegotha from the Land of Martin Frydig on the South Side to the opposite Landing on the North side of the said River and for vesting the same in the said Martin Frydig his Executors Administrators and Assigns for the Term therein mentioned.

9. An Act for Raising and Granting to His Majesty the Sum of 37898. 1. 6¾ and for applying the Sum of 4256. 11. 0 being the Ballances of several Funds in the Publick Treasury of this Province — making together 42,154. 12. 6¾ for Defraying the Charges

Charges of this Government for one Year commencing the Twenty fifth day of March in the year of our Lord 1753 Inclusive and ending the Twenty fifth day of March 1754 Exclusive.

10. An Act to prevent the Inveigling Stealing and carrying away Negroes and other Slaves in this Province and to prevent the carrying away of Schooners or Pettiaugers. and also for Repeal-ing so much of an Act Intitled an Act for the better Ordering and Governing Negroes and other Slaves in this Province as relates to the time within which Offenders that are apprehended shall be tried and giving the Justices and Free-holders a Power to Postpone the Trial of such Offenders.

Upon Perusal and Consideration of these Acts I have no other Objection than is before mentioned and am

My Lords

Your Lordships

Most Obedient

Humble Servant

Mat. Lamb.

Lincoln's Inn
12th Nov. 1755.

Recd Nov. 18th 1755.
Read " 24th 1756.

B.P.R.O. So Carolina B.T. Vol. 28. p. 153.

(2 Dec. 1755.)

To the King's most Excellent Majesty.

May it please Your Majesty

Alexander Vanderdussen Esqr One of Your Majesty's Council in the Province of South Carolina being disorder'd in his Mind, & Henry Middleton Esqr having been recommended to Us as a Person every way qualified to serve Your Majesty in that Station, We beg leave humbly to propose to Your Majesty, that he may be appointed of Your Majesty's Council in the said Province of South Carolina in the room of the said Alexander Vanderdussen Esqr

Which is most humbly submitted

Dunk Halifax.
James Oswald
J. Pitt.

Whitehall
Decemr 2. 1755.

B.P.R.O. So Carolina B.T. Vol. 28. p. 154.

(18 Dec. 1755.)

To the Kings most Excellent Majesty.

May it please your Majesty.

In Obedience to your Majesty's Order in Council dated the 18 Instant, We have prepared a Warrant directing and requiring William Henry Lyttleton Esqr. Captain General & Governor in Chief of your Majesty's Province of South Carolina in America, to swear and admit Henry Middleton Esqr. to be of Your Majesty's Council in that Province, in the room of Alexander Vanderdussen Esqr. and We humbly beg leave herewith to lay the said Warrant before Your Majesty.

Which is most humbly submitted

Whitehall
Decemr. 18. 1755.

James Oswald
Andrew Stone

Dunk Halifax
J. Pitt

B.P.R.O. So Carolina B.T. vol 18. K. 124.

(18 Dec. 1755.)

At the Court at St James's
the 18th day of December 1755.
Present
The King's most Excellent Majesty
in Council

Whereas there was this day read at the Board a Representation from the Lords Commissioners for Trade and Plantations, dated the 2d of this Instant, Setting forth, that Alexander Vanderdussen Esqr One of His Majesty's Council of the Province of South Carolina, is disordered in his Senses, and incapable of serving His Majesty in that Station, They therefore propose, That Henry Middleton Esqr, who hath been recommended to them as a person every way qualified for it, may be appointed of His Majesty's Council in the said Province, in the room of the said Alexander Vanderdussen Esqr.— His Majesty in Council, approving thereof, is pleased to Order, as it is hereby Ordered, That the said Henry Middleton Esqr be constituted, and appointed, a Member of His Majesty's Council, in the said Province of South Carolina, in the Room of the said Alexander Vanderdussen Esqr

And

And that the said Lords Commissioners for Trade and Plantations, do cause a Warrant to be prepared for that purpose, and lay the same before His Majesty at this Board.

W. Sharpe

Recd
Read } Dec. 18th 1755.

B.P.R.O. So Carolina B.T. vol. 18. K. 126.

(18 Dec. 1755.)

At the Court at St James's
the 18th day of December 1755.
Present
The King's most Excellent Majesty
in Council.

Upon reading this day at the Board, a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 26th of last Month, upon considering Draughts of General Instructions, as also of those relating to the Acts of Trade & Navigation prepared by the Lords Commissioners for Trade and Plantations, for William Henry Lyttleton Esqr Governor of South Carolina, in lieu of those given by the late Lords Justices to the said Governor, which were sunk when he was taken by the French as he was repairing to his Government.- By which Report it appears, that the said Lords Commissioners have made no Alterations in these Draughts from the Instructions given by the late Lords Justices to the said Governor, except that in the first Article of the General Instructions, they have added the Names of James Michie and Othniel Beal Esqrs amongst the Councillors, who have, since the Date of the former Instructions, been appointed

-pointed to fill two Vacancys occasioned by the Death of William Bell Esqr. and by the Resignation of William Middleton Esqr.:- And that in the 6th Article of the same Instructions, they have added some Words, impowering the present Governor to make Grants of all such Lands as remain yet ungranted within the nine Townships laid out in pursuance of His Majesty's Instructions to James Glen Esqr. late Governor of South Carolina free from the Payment of Quit Rents for Ten years after the date of such Grants respectively, such Exemption having, by His Majestys said Instructions to Mr. Glen, been granted to all Persons who should take up Lands within the said Nine Townships:- And the Lords of the Committee being of Opinion that the said Additions were proper and necessary to be made in the said Draughts of General Instructions, His Majesty is thereupon pleased, with the Advice of His Privy Council, to approve of the said Draughts of Instructions, with the said Additions, and to Order, as it is hereby Ordered, that the Right Honourable Henry Fox Esqr. One of His Majestys Principal Secretary's of State, do lay the said Instructions before His Majesty, for His Royal Signature

Recd Jany 19th } 1756.
Read " 28th }

A true Copy
W. Sharpe

B.P.R.O. So. Carolina B.T. Vol. 18. K. 127.

(18 Dec. 1755.)

At the Court at St. James's
the 18th day of December 1755.
Present.
The Kings most Excellent Majesty
in Council.

Whereas the Lords Commissioners for Trade and Plantations have this day laid before His Majesty at this Board (Pursuant to His Majesty's Order for that Purpose) a Warrant directing and requiring William Henry Lyttleton Esqr. Captain General and Governor in Chief of His Majesty's Province of South Carolina in America to swear and admit Henry Middleton Esqr. to be of His Majesty's Council in the said Province in the Room of Alexander Vanderdussen Esqr. - And His Majesty in Council having been pleased to approve of the said Warrant (which is hereunto annexed) Doth hereby Order that the Right Honourable Henry Fox Esqr. One of His Majesty's Principal Secretarys of State do lay the same before His Majesty for His Royal Signature.

Recd. Jany 19th
Read. 28th } 1756

A true copy
W. Sharpe